

ORDINANCE NO. CO11.20.01.09.H1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES CHAPTER 12 SUBDIVISION, AND CHAPTER 14 SITE DEVELOPMENT (OA-19-005); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park (“City Council”) desires to update regulations related to tree and landscape requirements; and

WHEREAS, City Staff has determined that the proposed amendments provide consistency with regulations established in the Texas Local Government Code and other Chapters within the City’s Code of Ordinances; and

WHEREAS, the proposed amendments update regulations related to adopted Texas House Bill requirements and regulations within the City and its Extraterritorial Jurisdiction (“ETJ”); and

WHEREAS, the proposed amendments provide additional clarifications regarding definitions and department names among the chapters within the Code of Ordinances used within the City and ETJ; and

WHEREAS, the City’s Comprehensive Plan, recommends updating the City’s development regulations as needed to address design characteristics within Cedar Park; and

WHEREAS, the City posted proper notice and conducted public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, on November 19, 2019 the Planning and Zoning Commission voted 5-1 to recommend approval of the proposed amendments to Chapter 12 Subdivision and Chapter 14 Site Development; and

WHEREAS, the City Council finds that the proposed amendments to Chapter 12 Subdivision and Chapter 14 Site Development are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 12 Subdivision and Chapter 14 Site Development of the Cedar Park Code of Ordinances be amended as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 5th day of December, 2019 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 9th day of January, 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:


Corbin Van Arsdale, Mayor


LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


JP LeCompte, City Attorney



ORDINANCE NO. CO11.20.01.09.H1

CHAPTER 12

SUBDIVISION REGULATION

ARTICLE 12.03 PROCEDURES

Sec. 12.03.001 Procedures for ~~plat~~-approval

(a) An application for a subdivision plat, including without limitation an application for approval or amendment of a development plat, preliminary plan, final plat, replat, amending plat, plat vacation, subdivision construction plan, site development plan or other approval authorized by these subdivision regulations, shall expire on or after the 45th day after the date the application is filed, pursuant to section 245.002(e) of the Texas Local Government Code, as amended, if:

- (1) The applicant fails to provide documents of other information necessary to comply with the City's technical requirements relating to the form and content of the permit application;
- (2) The City provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (3) The applicant fails to provide the specified documents or other information within the time provided in the notice.

(b) The Planning and Zoning Commission shall act on a plat, site development plan, or subdivision construction plan within thirty (30) days after ~~the plat~~ it is formally filed with the City, unless otherwise agreed to in writing by the applicant.

(c) The ~~Development Services Planning Department shall~~ Department shall review all plat applications in conjunction with other City departments and utility companies for compliance with this Chapter and other applicable City codes and regulations.

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

Sec. 12.03.004 Variances

(a) When an applicant can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site in the opinion of the Planning and Zoning Commission, a departure may be made without destroying the intent of such provisions, the Planning and Zoning Commission may authorize a variance.

(b) Variances from the terms of this chapter shall be granted by the Planning and Zoning Commission if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done, under the conditions stated in the Texas Local Government Code, and provided further that ~~the Planning and Zoning Commission shall have no authority to grant a variance based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides that land, and provided that pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute grounds for a variance.~~

(c) A variance may be applied for as part of a plat or replat request or as a separate request if the property is already platted. The applicant shall be responsible for providing all necessary information pertinent to the request, including the justification for such variance.

(d) Any applicant aggrieved by action on a variance by the Planning and Zoning Commission may appeal to the City Council within thirty (30) days from the day of such action and not thereafter. The City Council may affirm, modify, or reverse the decision of the Planning and Zoning Commission.

(Ordinance CO10-15-01-08-C1 adopted 1/8/15)

ARTICLE 12.05 PRELIMINARY PLAN*

Sec. 12.05.003 Approval

The Planning and Zoning Commission shall act on the request for preliminary plan approval.

- (1) Upon approval of the preliminary plan, the applicant shall furnish one (1) ~~Mylar reproducible~~ copy of the approved plan to be kept on file at the city as public record.
- (2) Preliminary plan approval does not ensure approval of a final plat failing to meet specific requirements of this chapter, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

Sec. 12.05.007 Revision

The ~~director of planning~~ **Director of Development Services** may approve a minor change from an approved preliminary plan if the director determines that the minor change complies with the requirements of this subsection [section]. An applicant shall identify the proposed minor deviation on a copy of the preliminary plan submitted to the director. A formal application is not required.

- (1) A minor deviation may not:
 - (A) Remove a property restriction or subdivision note;
 - (B) Modify a variance;
 - (C) Change an easement, except with the director's approval;
 - (D) Increase impervious cover;
 - (E) Modify a landscape easement, common area, green space, or other open space shown on the preliminary plan;
 - (F) Affect property outside the proposed plat;
 - (G) Increase the number of lots;
 - (H) Change the use of a lot; or
 - (I) Change the basic street layout.
- (2) Except as provided in [subsection 12.05.007\(1\)](#), a minor change may include:
 - (A) Change in lot size or configuration;
 - (B) Change in street width or alignment or name; or
 - (C) Change in a utility or access easement.
- (3) The director may approve a minor revision to an approved preliminary plan if the director determines that the minor revision complies with the requirements of this subsection [section]. An applicant shall request a minor revision in an application submitted to the director.
- (4) A minor revision may not:
 - (A) Remove a property restriction or subdivision note;
 - (B) Modify a variance;
 - (C) Change an easement, except with the director's approval;
 - (D) Increase impervious cover;
 - (E) Modify a landscape easement, common area, green space, or other open space shown on the preliminary plan;
 - (F) Affect property outside the preliminary plan; or
 - (G) Increase the number of dwelling units.
- (5) Except as provided in subsection (3)(4) [subsection (4)], a minor revision may:
 - (A) Include a minor deviation;

- (B) Change the street layout;
- (C) Increase in the number of lots; or
- (D) Modify a subdivision to accommodate a change in use resulting from rezoning or land acquisition through eminent domain.

- | (6) The ~~director of planning~~Director of Development Services may determine that other changes similar in scope and effect to those described in subsection (3)(5) [subsection (5)] are minor revisions.
- | (7) The ~~director of planning~~Director of Development Services shall provide the Planning and Zoning Commission with an approved minor deviation or minor revision before the Planning and Zoning Commission considers approval of any plat.

ARTICLE 12.06 FINAL PLATS

Sec. 12.06.002 Content

The final plat shall include the entire tract intended to be developed at one (1) time, and shall contain or have attached thereto:

- (1) The plat shall consist of a drawing on Mylar or comparable substitute sheets twenty-four (24) inches by eighteen (18) inches and to a scale of one hundred (100) feet to one (1) inch. Where more than one (1) sheet is required, an index sheet of maximum size, twenty-four (24) inches by eighteen (18) inches shall be filed showing the entire subdivision. If the plat consists of five (5) acres or less the scale shall be of fifty (50) feet to one (1) inch.
- (2) A location map showing the relation of the subdivision to streets and other prominent features.
- (3) The submittal date, subdivision title, scale and north point shall be indicated on the first sheet.
- (4) The names of the adjoining subdivisions or the names of the adjoining property owners, together with their respective plat or deed references.
- (5) The lines and names of all proposed streets or other ways or easements, including a statement of the purpose for which such easements are dedicated; also the lines and names of other open spaces to be dedicated for public use granted for use of the inhabitants of the subdivision.
- (6) Identification and location of proposed uses and reservations for all lots within the subdivision.
- (7) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, including the true north point. This shall include the radius, central angle and tangent distance for the property lines of curved streets and curved property lines that are not the boundary of curved streets.
- (8) The location of all permanent monuments and control points.
- (9) Suitable primary control points to which all dimensions, bearings and similar data shall be referred; dimensions shall be shown in feet and hundredths of a foot.
- (10) Restrictive covenants imposed on the land if desired by the applicant.
- (11) Engineering standard subdivision notes.
- (12) A statement signed and acknowledged by the owner and any person holding a lien on the property dedicating all streets, alleys, easements, parks and other open spaces to public use or, when the applicant has made provision for perpetual maintenance thereof, to the inhabitants of the subdivision.
- (13) The signature block for the chair of the Planning and Zoning Commission and secretary of the Planning and Zoning Commission attesting approval of the plat.
- | (14) The signature block for the ~~director of planning~~Director of Development Services attesting to the approval and authorization for recordation of the plat.
- (15) A certificate bearing the signature and seal of the surveyor who made the survey that the requirements of this Chapter have been complied with.
- (16) Signature blocks for the engineer, and property owner.
- (17) If the subdivision is not to be served immediately by a water utility, the following is required to be shown

on the plat: a restriction prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source on the land or a community source in adequate and sufficient supply for family use and operation of a septic tank and system. Plans and specifications for a private water supply for subdivisions must be submitted by a registered professional engineer and approved by the Texas Commission on Environmental Quality (TCEQ). If private water wells are proposed, lots are required to comply with minimum lot size requirements of the Williamson Cities and County Health District and/or Austin-Travis County Health Department, depending on whose jurisdiction the subdivision falls within.

- (18) If the subdivision is not to be served immediately by a sewage collecting system connected to a treatment plant or to a public sewer system, disposal of domestic sewage through an on-site sewage disposal facility is required to be approved by the County Health Officer. The following restriction is required to be placed on the plat: occupancy of any lot is prohibited until an on-site sewage facility has been installed in accordance with the rules and regulations of the TCEQ, the Williamson County and Cities Health District and/or the Austin-Travis County Health Department and has been inspected and approved by the County Health Officer.
 - (19) Subdivisions outside City limits are required to be reviewed and approved by the appropriate health officer for applicable environmental regulations.
 - (20) The plat shall indicate the route of sidewalks in compliance with the City's adopted street standards.
 - (21) Tree survey indicating all protected trees as per the requirements of [section 12.12.022](#).
 - (22) Three (3) copies of the approved utility plan.
 - (23) Three (3) copies of the approved preliminary plan.
 - (24) Surveyor's certified perimeter field notes. Beginning point is to be an original corner of the original survey of which the plat is a part. At least one corner of a subdivision shall be tied by course and distance to a corner of the original survey of which it is a part or to a previously platted lot. The plat shall include a note describing the corner tie, and if the subdivision is located within one mile of a global positioning system (GPS) monument accepted by the City, the location, coordinates and elevation of a 5/8-inch iron rod set in concrete at two locations on the boundary of the subdivision shall be tied horizontally and vertically to the GPS monument.
 - (25) A minimum of two (2) survey ties are required across all right-of-way and at all changes in the width of right-of-way.
 - (26) Existing easements on or adjacent to the proposed subdivision including record references and a statement signed and sealed by the surveyor indicating that all existing easements on or adjacent to the proposed subdivision shown on the title policy or discovered with a title search prepared in conjunction with the most recent purchase of property currently being subdivided have been shown or noted on the plat.
 - (27) All information necessary to demonstrate compliance with driveway and/or street intersection spacing rules of [section 12.12.015](#), [Chapter 14](#) site development ordinance and the Transportation Criteria Manual.
 - (28) Additional information necessary to demonstrate compliance with this Chapter.
 - (29) An electronic copy of the final plat.
 - (30) All other application requirements specified in the final plat application/checklist.
- (Ordinance CO36-18-08-09-E2 adopted 8/9/18)

Sec. 12.06.003 Procedure

After approval of the preliminary plan for a proposed subdivision, a final plat for that subdivision shall be submitted to the city for consideration by the Planning and Zoning Commission. The preliminary plan for the subdivision must be valid at the time the final plat for the subdivision is submitted to the city for consideration by the Planning and Zoning Commission. The Planning and Zoning Commission shall approve or disapprove any final plat unless otherwise allowed under the Cedar Park Code of Ordinances.

- (1) Legible prints, as indicated on the application/checklist form shall be submitted to the [Development Services Department](#)~~Planning Department~~, along with the following:
 - (A) Completed application/checklist forms and the payment of all applicable fees listed on the application/checklist.

- (B) Any materials or documents required by the Planning and Zoning Commission as a condition of preliminary plan approval.
 - (C) A letter requesting any variances from the provisions of this chapter, if not previously approved as part of the preliminary plan.
 - (D) Any additional documents needed to supplement the information provided on the final plat.
- (2) City staff shall review all final plat submittals for completeness at the time of submission. If, in the judgment of city staff, the final plat submittal substantially fails to meet the minimal informational requirements as outlined above or does not meet the requirements set forth in the application/checklist, it will not be accepted as filed.
 - (3) Prior to the Planning and Zoning Commission meeting at which the final plat is presented, city staff shall review the plat for consistency with the preliminary plan as approved by the Planning and Zoning Commission, as well as for consistency with city codes, policies and plans.
 - (4) City staff shall prepare a report analyzing the final plat submittal, as well as any comments received concerning the preliminary plan, and recommending either approval or disapproval of the final plat.

Sec. 12.06.004 Approval

If a final plat is approved by the Planning and Zoning Commission, the corrected and signed final plat shall be submitted to the ~~Development Services Department~~Planning Department with the appropriate number and format of electronic and paper copies as required by the ~~Development Services Department~~Planning Department, for recording with the appropriate County Clerk. The plat shall be filed and recorded within two (2) years of the date of final approval by the Planning and Zoning Commission. Otherwise, the approval of the Planning and Zoning Commission becomes invalid. Planning and ~~z~~Zoning ~~C~~eommission approval becomes effective on the date the Planning and Zoning Commission takes final action on the plat.

Sec. 12.06.009 Recordation

Prior to the recordation of the final plat, one (1) original ~~paper copy~~Mylar of the final plat shall be submitted to the city for signatures, and:

- (1) The final plat shall have been approved by the Planning and Zoning Commission pursuant to the provisions of this chapter.
- (2) All conditions of final plat approval established by the Planning and Zoning Commission shall have been determined to be complete by city staff.
- (3) Fees-in-lieu of parkland dedication as required by this chapter, if applicable, shall have been paid.
- (4) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (5) Written acceptance of all improvements required by this chapter by the city or, in lieu of acceptance, assurance of completion of said improvements pursuant to this chapter, shall be received by the city.
- (6) Applicable fees pursuant to city ordinance(s) shall be paid.
- (7) Notes shall be added to the plat describing any variances approved by the Planning and Zoning Commission.
- (8) City staff shall, upon determination that all provisions of this chapter have been satisfied, and all the above conditions have been met, obtain signatures certifying final plat approval by the chairperson of the Planning and Zoning Commission, and ~~director of planning~~Director of Development Services.
- ~~(9) Once the original final plat has been signed by the chairperson of the Planning and Zoning Commission and the director of planning, city staff shall send the original Mylar for the reproduction of two (2) photographic Mylars at the applicant's expense.~~
- ~~(10)~~ City staff shall, after ~~the photographic Mylar~~ copies and the original final plat have been duly recorded in the official county records, return the original final plat to the surveyor within five (5) working days by notifying the surveyor that the original final plat is available for pick-up at City Hall.

- (1) The city shall keep one (1) ~~photographic Mylar~~ copy of the original approved final plat on file as public record.

ARTICLE 12.07 SHORT FORM FINAL PLATS

Sec. 12.07.005 Notification

Notification requirements shall follow the procedures outlined in Texas Local Government Code Section 212.015, as amended.

~~If during the preceding five (5) years, any of the area to be replatted was limited by a permanent zoning classification to residential use for not more than two (2) residential units per lot; or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot, all owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be subdivided, shall be notified by mail.~~

~~(1) The city shall publish a public notice in the official newspaper of general circulation in the county in which the municipality is located; not fewer than fifteen (15) nor more than thirty (30) days prior to said public hearing.~~

~~(2) The city shall mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate Planning and Zoning Commission hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the subdivision.~~

ARTICLE 12.12 DESIGN STANDARDS

Sec. 12.12.003 Streets

All transportation improvements including streets, driveways, sidewalks, bikeways, traffic control, and parking areas within the city's jurisdiction shall be designed in accordance with the City of Austin's Transportation Criteria Manual, the transportation master plan, the recreational trails system plan, and any City of Cedar Park applicable codes or ordinances.

- (1) Street names cannot be duplicated within the same 911 calling area.
- (2) Relationship to street system. Streets of a new subdivision shall be in line with existing streets in adjoining property except when, in the opinion of the Planning and Zoning Commission, topography, requirements of traffic circulation or other considerations make it desirable to depart from such alignment.
- (3) Street alignment. To encourage lower motor vehicle speeds through residential neighborhoods, local residential streets shall be designed to avoid straight sections in excess of 800 feet in length and residential collector streets shall be designed to avoid straight sections in excess of 1,200 feet in length unless the Planning and Zoning Commission finds that there is no other reasonable alternative.

(Ordinance CO42-07-07-12-3I adopted 7/12/07)

- (4) Access to lots. Each lot in a subdivision shall abut on an existing or proposed public or private street, except those lots meeting criteria set forth in section 12.12.010(c) lot arrangements regarding public utility facility lots, provided a perpetual access easement is dedicated to the lot at time of platting or prior to lot development.
(Ordinance CO39-14-04-10-C6 adopted 4/10/14)

- (5) Street right-of-way widths. Street right-of-way widths in subdivisions shall be in conformance with the Transportation Criteria Manual as adopted in the code of ordinances and shall in no event be less than fifty (50) feet for local streets, sixty (60) feet for collector streets and eighty (80) feet for thoroughfares and industrial streets. The full roadway row width shall be platted and dedicated adjacent to the full length and/or width of all lots in the subdivision at the time of platting of the lots. No voids may be left within the subdivision with the intent of avoiding responsibility for constructing roads or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or roads.

- (6) Street classification and characteristics.

(A) Local streets. The purpose of a local street is to provide lot street frontage and carry traffic to a higher classification street. Because of its limited purpose, a local street generally carries an average daily traffic volume no greater than two thousand (2,000) vehicle trips. Local streets are divided into three subcategories:

local-residential, local-nonresidential or local-rural. Unless approved by the Director of Development Services~~director of planning~~, a local street shall not connect to two separate higher classification streets or connect directly to arterial streets.

(B) Collector streets. Collector streets are divided into two subcategories: local and major. The purpose of collector streets is to convey traffic from intersecting local streets and to expedite the movement of traffic to an arterial street or other collector street. A local collector street generally carries an average daily traffic volume of two thousand (2,000) to six thousand (6,000) vehicle trips. A major collector street generally carries an average daily traffic greater than six thousand (6,000) vehicle trips. Generally, major collector streets shall not permit on-street parking. A collector street may exceed one thousand four hundred (1,400) feet provided that no residential lots front the collector street, and the collector street shall not have any straight sections exceeding one thousand (1,000) feet.

(C) Arterial streets. The purpose of an arterial street is to carry high volumes of through traffic. Arterial streets serve as a link between major activity centers within the urban area. Access is usually limited to intersections, multifamily developments and commercial driveways. All arterial streets are designated in the general plan. An arterial street shall not end as a cul-de-sac. Generally, arterial streets shall not permit on-street parking.

(7) Street names. New streets in subdivisions shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city and within the area of extraterritorial jurisdiction.

(8) Street signs. Street signs may incorporate the city's official logo.

(9) Speed limit signs. Speed limit signs shall be placed throughout the subdivision as directed by the Director of Engineering or his/her designee and shall also be shown on the subdivision improvement plans.

(10) Street intersections. Acute angles between streets in subdivisions at their intersection shall be avoided; provided, that when intersecting angles sharper than eighty (80) degrees are deemed necessary by the Planning and Zoning Commission, the property line in the small angle of the intersection shall be rounded so as to permit the construction of curbs having a radius of not less than twenty-five (25) feet without decreasing the normal width of the sidewalk area.

(11) Stub streets.

(A) A proposed subdivision or addition must provide access to adjacent land subdivided by stubbing appropriate streets to the boundaries of the proposed addition or subdivision. When the abutting land is platted, the developer shall integrate the stubbed streets into the existing traffic system of streets in a logical manner as well as continue the same street classification of the stub street. The developer shall present a schematic plan to demonstrate how the stub street will eventually extend through the adjacent property and connect with a collector or arterial roadway.

(B) Temporary paved turnarounds shall be provided at the end of stubbed streets which are more than one hundred fifty feet (150') long.

(12) Cul-de-sacs. Except as provided herein, the maximum length of a cul-de-sac street shall be seven hundred fifty feet (750'), measured from the centerline of the nearest intersecting outlet street to the center point of the turnaround; except that a longer length may be allowed upon a recommendation by the fire department and if the Planning and Zoning Commission determines any of the following:

(A) That no secondary access can be reasonably provided to the portion of the subdivision which is to be served by the cul-de-sac;

(B) That limited access to the subdivision is due to a topographical condition on the property or a particular physical surrounding; or

(C) That the cul-de-sac is temporary and the road is planned to extend to the adjacent property.

(13) Curbing. All streets shall have standard curbing and gutter except for the rural streets in the ETJ where ribbon curb is allowed. All raised medians and islands located within the street pavement shall be bordered by standard curb and gutter, unless otherwise approved by the Director of Engineering or his/her designee. All concrete curb and gutter shall be installed and constructed in accordance with all applicable city codes and ordinances.

(14) Curb Ramps.

- (A) Curb ramps are required within a street right-of-way wherever a sidewalk or pedestrian route intersects with a curb. The design and construction of curb ramps shall be in accordance with the design and construction standards, and shall meet the Texas Accessibility Standards administered by the state department of licensing and regulation and the Americans with Disabilities Act of 1990, as amended.
- (B) Whenever a sidewalk or pedestrian route crosses a raised median, the raised median shall be cut through level with the street, or shall have curb ramps at both median curbs plus a level area at least four (4) feet long between the curb ramps in the median.

(Ordinance CO42-07-07-12-31 adopted 7/12/07)

- (15) At-grade rail crossings. Prior to the city's acceptance of the subdivision improvements or prior to the issuance of a building permit, the developer of a proposed subdivision that includes a public at-grade rail crossing shall provide the city with written approval from Capital Metro stating that the rail crossing improvements have been designed and installed with adequate supplemental safety measures as required by the Federal Railroad Administration to establish a quite [quiet] zone. (CO29-12-01-12-C9 adopted 1/12/12)

Sec. 12.12.007 Easements

- (a) Except where alleys of not less than twenty (20) feet in width are provided in a subdivision, easements for utilities and enclosed or open drainage ways not less than seven and one-half (7-1/2) feet in width shall be retained on each side of rear lot lines. Where deemed necessary by the ~~Public Works~~Engineering Department, such easements not less than five (5) feet in width, on each side of side lot lines, shall be retained. Easements for any of such purposes shall be required across parts of lots other than as described above as deemed necessary by the ~~Public Works~~Engineering Department. All such easements shall be so aligned as to permit construction of utilities therein at a minimum cost.
- (b) A ten-foot wide public utility easement (PUE) is required adjacent to all street ROW on all lots.
- (c) A five-foot wide PUE is required along each side lot line from the front property line to the front building line except where a side lot line is also the rear lot line of an adjacent lot in which case the 5-foot wide PUE is dedicated along the entire length of the side lot line.
- (d) Easements; in areas adjoining proposed subdivisions. When the ~~Public Works~~Engineering Department finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage thereof or to serve such subdivision with utilities, the applicant shall obtain such easements.
- (e) All existing and proposed easements, safety lanes, and rights-of-way shall be clearly indicated on the plat or plan, as well as an indication to the use of each easement or right-of-way.
- (f) No permanent structure may be placed in or over any easement or right-of-way except a structure whose use and location are necessary to the designated use of the right-of-way or easement or which otherwise will not affect the use, maintenance or repair of such easement.
- (g) Easements shall be established and dedicated for all public utility and drainage appurtenances, including common access areas, and other public uses requiring dedication of property rights.

Sec. 12.12.015 Driveways

- (a) For single-family, and town home lots, residential driveways are permitted on local streets and ~~local~~residential collector streets only. Residential driveways for double frontage lots and corner lots must be located on the lesser classification street. Driveways serving single-family or single-unit townhouse residences are not permitted on major or minor collectors or arterial streets unless the Director of Development Services determines no other access is possible.
- (b) For multifamily and nonresidential lots, driveways are permitted on all streets; however, the driveways must have a minimum of ~~two hundred (200) feet spacing between driveways and other streets on divided arterial roadways and three hundred (300) feet spacing between driveways and other streets on undivided arterial roadways.~~
- (c) Driveway construction shall be in accordance with the following:
 - (1) General principles.

- (A) Driveways shall be located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, a traffic impact study may be required at the owner's expense.
- (B) The owner, successor or assigns shall do all work and pay all costs in connection with the construction of access driveways and their appurtenances on the right-of-way.
- (C) Temporary or permanent nonpublic all-weather drive surfaces will be required at the beginning of construction for emergency access or turnaround for emergency vehicles.
- (D) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (E) No single-family dwelling, condominium, townhouse, or duplex unit may take direct access to arterial streets if the property has alternative access. If it can only be accessed by an arterial street, then adequate on-site maneuvering space must be provided, as vehicles will not be allowed to back directly into these streets.
- (F) Driveways shall not exceed seventy (70) percent of roadway frontage.

(2) Driveway types.

- (A) Type I. A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land which is used for a single-family or townhome residence.
- (B) Type II. A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land used for any development or purpose other than single-family or townhome residences.
- (C) Type III. A temporary asphalt driveway approach intended to provide vehicular access to a lot or parcel of land, such access being from a roadway not yet constructed to permanent lines and grades or a roadway not having curb and gutter. Driveways shall be reconstructed under type I or type II standards within sixty (60) days after construction of the abutting street to permanent line and grade with concrete curb and gutter. See tables below.

(3) Driveway design.

- (A) All type II and III driveways on undivided arterial streets shall be designed to align with opposing streets or driveways or be offset by a minimum of one hundred twenty (120) feet (measured from edge to edge).
- (B) All type II and III driveways on undivided collector streets shall be designed to align with opposing street or driveways or be offset by a minimum of eighty (80) feet (measured from edge to edge).
- (C) All type II and III driveways on divided streets shall be designed to align with median breaks or be offset by a minimum of one hundred (100) feet (measured from the nose of the median to the nearest edge of the driveway).
- (D) Alignment of driveways with opposing streets is discouraged for signalized intersections unless approved by the Director of Engineering Services or his/her designee. When such a design is approved, the driveway approach shall be constructed without an apron and the maximum driveway widths shown in the table below may be increased to match the cross-section of the opposing street.
- (E) All adjacent and opposite corner clearance and commercial driveway spacing is determined by the functional classification of the street as prescribed in the TCM:

Type II Commercial Driveway Criteria												
Driveway Type	Roadway Type											
	Local Street, Residential or Neighborhood Collector		Commercial or Industrial Collector		Primary Collector		Minor Arterial		Major Arterial		Major Corridor	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
One Way												

Width	15(a)	20	15(a)	20	18(a)	25	18(a)	25(b)	18(a)	25(b)	-	-
Curb Return												
Radius	10	25	15	25(c)	15	30(c)	20	30(c)	20	30(c)	-	-
Throat Length (d)	-	-	20	-	20	-	40	-	50	-	-	-
Distance Between Entry and Exit Drive	50	-	50	-	50	-	75	-	75	-	-	-
Driveway Spacing	50	-	75	-	100	-	150	-	200	-	-	-
Two-Way Undivided												
Width	25	40	25	40	30	40	30	45	30	45	-	-
Curb Return Radius	10	25	15	25(c)	15	30(c)	20	30(c)	20	30(c)	-	-
Throat Length (d)	-	-	20	-	20	-	40	-	50	-	-	-
Driveway Spacing	50	-	75	-	100	-	150	-	200	-	300(f)	-
Two Way Divided											-	-
Width (each side of median) (e)	20	24	20	24	20	24	20	30	20	30	-	-
Curb Return Radius	15	25	15	25	15	25	20	30	20	30	-	-
Throat Length (d)	20	-	20	-	20	-	40	-	50	-	-	-
Median Width (e)	4	15	4	15	4	15	4	15	4	15	-	-
Median Length	10	-	10	-	10	-	20	-	20	-	-	-
Driveway Spacing	50	-	75	-	100	-	150	-	200	-	200 300 (f)	-

(a) Greater width may be required for fire department emergency access.

(b) 30-foot minimum width may be required on State highways.

(c) Radius may be increased to 40 feet at driveways serving large trucks.

(d) Distance from ~~the edge of pavement~~property line to first conflict point.

(e) On State highways, State standards may vary from City standards.

(f) All standards are per the street classification except as shown. The Director of Engineering may require an increased spacing length based on recommendations within a City-approved TIA, or based on AASHTO recommendations based on roadway speed.

(4) Single-family detached, ~~and duplex~~ driveway spacing (See also TCM):

(A) No driveway shall be constructed closer than fifty (50) feet or sixty (60) percent of parcel frontage, whichever is less, to the right-of-way of an intersecting local or collector street.

(B) No driveway shall be constructed closer than one hundred (100) feet or sixty (60) percent of parcel

frontage, whichever is less, to the right-of-way of an intersecting arterial street.

(5) In the event that a particular parcel or parcels lack sufficient thoroughfare frontage to maintain the desirable spacings, the landowner/applicant has one of two options:

(A) They may seek a waiver from the Planning Director and the Director of Engineering for minimum spacing; or

(B) The adjacent landowners may agree to establish a common driveway. Common driveways shall meet the standards set forth in the TCM.

(d) For all driveways and new streets proposed on State roadways, an approval letter or permit is required from the Texas Department of Transportation (TxDOT) prior to plat approval.

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

Sec. 12.12.016 Signage, striping and signalization

(a) Signage and striping. The developer shall design, install and pay all costs for traffic control signs and pavement striping. Traffic control signs and pavement striping shall conform to the accepted construction plans and to the most recent edition of the "Texas Manual of Uniform Traffic Control Devices" a copy which is on file with the ~~Public Works~~Engineering Department.

(b) Signalization. The developer shall design, install and pay all costs for providing any required traffic signalization system identified in an approved TIA, including all related devices, conduits, wiring and junction boxes.

(Ordinance CO42-07-07-12-3I adopted 7/12/07)

Sec. 12.12.017 Subdivision walls

(a) Walls required. Where subdivisions are platted so that the rear and/or side yards of residential lots are adjacent to a roadway identified as a major corridor, major or minor arterial or higher classification street, the developer shall construct, at his/her sole expense, walls along said rear and/or side yards and said street, in accordance with the standards set forth below in subsection (b). Where said lots are corner lots, the wall requirements of this section shall take precedence over corner lot fencing specifications regulated by Chapter 14 Site Development regulations of this Code.

(b) Standards. It is intended that all walls erected pursuant to this section be constructed in such a manner to last thirty (30) years with minimal maintenance required during said period. All walls required by this section shall conform to the following minimum standards:

(1) Where applicable, materials and installation of walls shall comply with the most recent edition of "Selected ASTM Standards for Fence Materials and Products," a copy of which shall be maintained by the ~~Public Works~~Engineering Department and the ~~Development Services Department~~Planning Department. Structural plans and specifications for walls shall be approved by the Engineering Department. Such plans and specifications are to be submitted at the same time as other construction plans required by this Chapter. In approving said plans and specifications, the Engineering Department shall consider the site's soil characteristics, wind loadings and other environmental considerations.

(2) Walls shall be constructed of the following materials: brick, stone, split-faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the ~~Development Services Department~~Planning Department, subject to the following:

(A) Wall pillars shall be constructed of masonry of sound structural integrity set in concrete with rebar support.

(B) Wall panels shall be constructed of brick, stone, split-faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the ~~Development Services Department~~Planning Department. Panels shall be top capped as determined by the ~~Development Services Department~~Planning Department.

(3) Walls shall be ~~no greater than~~ eight (8) feet in height. The materials, color and design of walls shall be uniform within the area of an approved preliminary plan, unless otherwise approved by the Development

~~Services Department~~Planning Department. A finished side of all walls shall face the thoroughfare.

- (4) All walls shall be placed at least five (5) feet from any existing or proposed City water line.
- (5) All walls required herein shall be placed on the lot or lots along the property line adjacent to the right-of-way.
- (6) Should an active property owner's association or homeowner's association be in effect, it shall be the responsibility of the association to adequately maintain the fence and to prevent it from becoming unsightly or objectionable. Should an association no longer be active or default in its responsibility, it shall be the responsibility of any person, firm, or corporation who shall own or occupy any lot or lots on which a wall is constructed pursuant to the terms of this section to adequately maintain the wall and to prevent it from becoming unsightly or objectionable. The City shall not be responsible for the construction or maintenance of walls or fences required per this section.

Sec. 12.12.019 Traffic impact analysis (TIA)

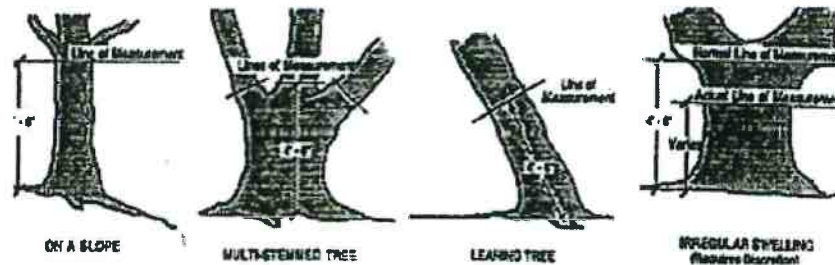
(a) General principles.

- (1) A TIA shall be submitted with a development plat, preliminary plan, final plat or replat when the subdivision or addition will generate one hundred (100) or more vehicle trips, inbound or outbound, during the peak hour. The analysis shall be performed for the most intense use permitted in the existing or proposed zoning district. A scoping meeting is required.
- (2) The TIA shall be prepared in accordance with the recommended guidelines for traffic impact studies as issued by the Institute of Transportation of Engineers, a copy of which is maintained by the ~~Planning~~Engineering Department.
- (3) The final plat or replat shall be prepared in conformance with the TIA and the preliminary plan.
- (4) Approved TIA. The developer must have a city-approved TIA prior to the approval of the final plat, if required.
- (5) Off-site improvements. If off-site improvements are required in the TIA, the improvements shall be installed and constructed in accordance with all applicable city codes and ordinances.
- (6) Signage and striping. If off-site signage and/or striping are required in the TIA, the signage and/or striping shall conform to all applicable city codes and ordinances.
- (7) Signalization. If off-site signalization is required in the TIA, the signalization shall be installed with all applicable city codes and ordinances.
- (8) Preliminary plan, final plat and replat TIA. The TIA submitted with a preliminary plan, final plat or a replat shall include any revisions to the TIA required for changes in the proposed development of the plat since the submission of the last TIA.

Sec. 12.12.022 Tree survey/tree preservation requirements

- (a) General tree survey standards. The plat shall include a survey not older than 2 years old of all hardwood trees six (6) caliper inches and larger (measured four-and-one-half feet above ground level), and shall include all tree locations, caliper inches and types. The plat is not required to show the crown area. Trees shall be represented by circles using the formula of one foot of radius for every one (1) inch of trunk caliper. Unbroken circles shall indicate trees that will remain and dashed circles shall indicate trees proposed for removal.
- (1) Tree surveys must be as accurate as possible, but need not be certified. Levels of inaccuracy, which will result in a failure to comply with the City tree preservation, design criteria and construction specifications may necessitate new surveys and plan adjustments either prior to permit approval or project release.
 - (2) For small areas with few trees, taping the distance to the center of the trunk from two (2) known points is a viable option. For large, tree-covered sites, using a total station survey system from a platform elevated above the tree line may be the most practical method.
 - (3) Caliper inches of existing trees are measured at four-and-one-half (4-1/2) feet above grade. If the tree is on a slope, measure from the high side of the slope. Measure above or below unusual swells in the trunk.

- (A) To determine the caliper inch of a multitrunk tree, measure all the trunks; add the total caliper inch of the largest trunk to one-half (1/2) the caliper inch of each additional trunk. A multitrunk tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks aboveground.
- (B) Caliper inch measurements should be accurate to the nearest one-half (1/2) inch. This data is used in the determination of tree significance and replacement value (if necessary).
- (C) Trees may be measured with a caliper, cruise stick, standard tape measure or diameter tape.
- (D) Trees defined by their size and location as protected trees shall be noted as such and measured as shown:



- (4) Tree types should be accurate to the species level (e.g., post oak, Spanish oak, cedar, elm, etc.). Tree types may be listed by common names or botanical names. Additional information which would greatly aid project designers and reviewers in their efforts would include crown configuration, crown clearance, condition, and tree number.
- (5) If there is an area which is known at the time of the survey to be on the project site or easement but outside the buildable area, a limit-of-construction line may be established. Trees beyond this line need not be surveyed provided the following conditions are met:
 - (A) The limits of construction must be fenced throughout all phases of construction.
 - (B) A general description of the numbers, types and sizes of trees in the area beyond the limits of construction must be provided as a plan note.
- (6) The standard tree graphics discussed below are important to provide consistent information in the most useful format for efficient plan review.
 - (A) The trunk location on the plan must represent the center of the trunk at ground level in the field. If the tree leans substantially above that point, show the direction of the lean with an arrow. For example, an oak tree with a trunk caliper measuring fifteen (15) inches would be represented to scale on plans with a fifteen-foot circle.
 - (B) Trees are to be represented on plans by a concentric circle centered on the trunk location, with a diameter equal in feet to twice the number of inches of the tree's trunk caliper inches.
 - (i) The area within the circle is referred to as the critical root zone (CRZ). The CRZ is used by plan reviewers to determine compliance with design standards and construction specifications.
 - (ii) A circle is graphically efficient to produce and represents the most likely configuration of a tree's root pattern even when the crown is skewed or one sided. The ratio of circle diameter to trunk caliper inch is based on typical dripline distances noted on open grown trees with full crowns. The dripline standard for critical root zone area is being used as a practical meter despite the fact that a tree's roots often extend two (2) to three (3) times beyond the dripline.
 - (iii) Trees proposed to be retained are to be represented by a solid circle. Trees proposed to be removed are to be represented by a dashed circle.
 - (iv) Trees proposed to be planted are to be graphically differentiated from existing trees.
 - (C) Tree caliper inches and types shall be shown on the plan. This information should be shown adjacent to each trunk location.
 - (D) For very large sites with many trees, this data may be shown in legend form referenced by a tree number adjacent to each trunk location subject to the following restrictions:
 - (i) Legends must be shown on the plan sheets on which the corresponding trees appear; or

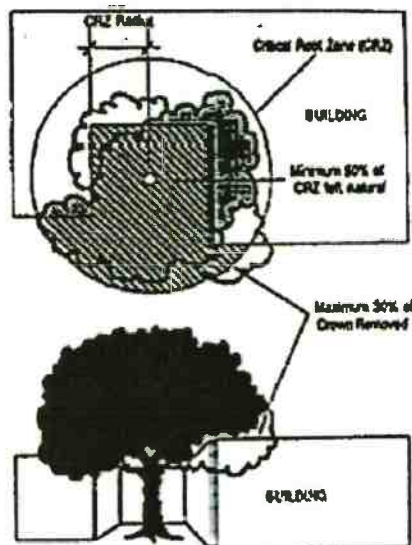
(ii) Legends may be submitted in book format for review purposes, but the legend [sic]

(b) Tree preservation design criteria.

(1) Critical root zone impacts. A tree's root system ranges well beyond the dripline. The critical root zone (CRZ) has been established to set a practical limit beyond which any loss of roots would not have a significant impact on a tree's survival. Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone. Weighing this fact with what appears to be an acceptable degree of risk to most trees, the following minimum design criteria (maximum allowable impacts) have been established:

- (A) A minimum of fifty percent (50%) of the critical root zone shall be preserved at natural grade, with natural ground cover.
- (B) No cut or fill greater than four (4) inches shall be located closer to the tree trunk than onehalf (1/2) the CRZ radius distance.
- (C) This standard requires that construction impacts associated with various design features be considered. For example, the installation of a curb typically requires excavation of two (2) feet behind the back of curb. In such a case, the line of impact on the CRZ will be two (2) feet behind the curblines shown on the plan.

(2) In order to assure that the remaining root zones are adequately preserved, project designers should show the tree protection fence locations on plans for those trees with CRZ infringements.



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(3) The following is the minimum design criteria (maximum allowable impact) for tree crowns:

- (A) A maximum of thirty percent (30%) of the viable portion of a tree's crown may be removed.
- (B) Construction methods must also be considered when implementing this design standard. For example, a building wall may only require the removal of thirty percent (30%) of the crown, but the scaffolding necessary to construct the building may require the removal of another twenty percent (20%) of the crown.

(4) These criteria represent minimum standards for determining whether or not a tree is "preserved." Greater impacts may be allowed, provided that all design alternatives have been proven unfeasible and that some acceptable form of mitigation such as a remedial care program is negotiated. Conversely, some cases may require that a larger area of root zone be preserved to increase the survival potential of particularly significant trees.

(5) These design criteria are enforced in the field as well as on the plan. Plan adjustments made during construction must be reviewed and approved by the Director of Development Services, or their designee.

(6) Fifty percent (50%) of the existing number of trees or total caliper inches of trees on site that are eight-inch caliper or greater and are from species included in the preferred plant list or of equivalent value shall be retained and protected.

(7) The existing hardwood trees surveyed between 6" and 7.9" and retained on site may count toward the

site tree cover and mitigation of heritage and protected trees, pursuant to subsection (c) and (d), herein as amended, at a ratio of 0.5:1.

(c) Preservation of protected trees.

(1) General requirements.

(A) Except as otherwise provided in subsection (2) or in accordance with subsection (1)(B) of this section, it is unlawful to remove a protected tree without written approval of the Director of Development Services, or their designee.

(B) Preliminary plans and site development plans depicting any protected trees shall be submitted to the Director of Development Services, or their designee for evaluation and recommendation for administrative approval or, when required, submission to the Planning and Zoning Commission. Final approval of the final plat or site plan constitutes an approval for removal of a protected tree, provided it is specifically identified on the plat or site plan as being removed with the development and provided that each such removal is specifically reviewed and approved by the Director of Development Services, or their designee.

(C) The location of all proposed buildings and improvements shall be oriented by the applicant, to the greatest extent in a manner which allows for the preservation of protected trees.

(D) In the case of new development, any mitigation or contribution required under this section shall be satisfied prior to issuance of a final certificate of occupancy or commencement of permanent utilities.

(E) All pruning must be performed by an International Society of Arboriculture (ISA) certified arborist, or under the direct supervision of an ISA certified arborist, and must follow the American National Standards Institute (ANSI) A300 standards.

(2) Exceptions. A protected tree may be removed without an application only if the protected tree is damaged by a natural disaster such as a tornado, storm, flood or other act of God, and presents an immediate hazard that endangers public health, welfare or safety, then no application shall be required for removal of only the hazardous portion of the tree, provided that the removal is effected in a timely manner so as to maintain the integrity and vigor of the tree and the owner preserves and forwards to the Director of Development Services, or their designee documentation of the damage, which shall include photographs of any damage.

(3) Application requirements.

(A) Application for the removal of a protected tree located on public property or in any public street, alley, right-of-way, or easement shall be made by any City department or any public utility or political subdivision of the State with authority to install utility lines or other public facilities in or above the property, street, alley, right-of-way or easement on which such tree is located, or by the owner of real property abutting upon the site of the tree or its crown.

(B) Application for the removal of a protected tree located on privately owned property shall be made by the owner of the property on which such tree is located, except that an appropriate City official may make application on behalf of the owner of the property on which the tree is located to remove a tree that constitutes a hazard to the safety of persons or property, or that is seriously diseased.

(C) The application shall be via the City's protected tree removal application form, signed by the applicant or their authorized representative, and submitted to the Director of Development Services, or their designee.

(D) Upon receipt of a completed application for removal of a protected tree, the Director of Development Services, or their designee shall inspect the subject tree and shall approve or deny the request within a period of ten (10) working days. The Director of Development Services, or their designee shall promptly send written notice of such approval or denial to the applicant.

(E) The Director of Development Services, or their designee shall not approve a protected tree removal application unless such removal is within the spirit and intent of this Article and:

(i) The City or the State department of transportation determines the protected tree is located in a sight triangle or clear zone of a public street;

(ii) The Director of Development Services, or their designee determines the protected tree to be dead, dying, or diseased and either:

a. It constitutes a hazard to life or property which cannot reasonably be mitigated without removal of the tree; or

- b. Its restoration to sound condition is not practicable or its disease is reasonably transmittable and expected to endanger the health of other trees;
 - (iii) The protected tree is located on or within twenty (20) feet of an area that will be used for a building, recreation area, roadway, public street, alley, or right-of-way, drainage right-of-way, public access easement, or utility easement;
 - (iv) The protected tree would deprive the applicant of the reasonable use and enjoyment of their single-family residential property; or
 - (v) The protected tree would deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.
- (F) If a protected tree removal is approved pursuant to the provisions of this subsection, the applicant must comply with all applicable provisions of this section, including mitigation.
- (G) Approval for removal of a protected tree shall remain valid for the shorter of:
 - (i) The period stated on the Director of Development Services, or their designee written approval issued pursuant to this section or on a final plat, site development plan, or alternative landscape plan approved pursuant to this Article; or
 - (ii) The minimum period allowable by law.
- (4) Mitigation; on-site.
 - (A) Upon approval of protected tree removal application, the applicant shall, no later than thirty (30) days from the date of approval of the application, submit a mitigation plan showing the proposed type, location, and irrigation plan for the proposed replacement trees.
 - (B) The mitigation plan must provide for planting of replacement shade/canopy trees at a 1:1 ratio for each protected tree that is 8" to 18.9" caliper inch and will be removed.
 - (C) The mitigation plan must provide for planting of replacement shade/canopy trees at a 2:1 ratio for each protected tree that is 19" to 25.9" caliper inch and will be removed.
 - (D) No replacement trees shall be planted until the Director of Development Services, or their designee has reviewed and approved the mitigation plan.
 - (E) Replacement trees shall comply with the preferred plant list of this Article.
 - (F) Transplanting of protected trees. Protected trees can be transplanted to a suitable location on the same property or off site, without the requirement of further mitigation, if the applicant complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least two (2) years.
 - (G) No mitigation required. The mitigation provisions of this section shall not be required under the following circumstances:
 - (i) For the removal of a protected tree located in a sight triangle or clear zone of a public street, as confirmed by the City or the state department of transportation;
 - (ii) For the removal of any protected tree the Director of Development Services, or their designee determines to be dead, dying, or diseased and hazardous, unlikely to recover, or reasonably expected to endanger the health of other trees;
 - (iii) For the removal of a protected tree that is located in a dedicated public right-of-way or that would otherwise deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.
 - (H) Maintenance. If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of two (2) years after issuance of the certificate of occupancy, the owner of the property shall replace the trees within six (6) months.
- (5) Mitigation; off-site or cash in lieu. If the Director of Development Services, or their designee determines that mitigation for protected tree removal by replanting trees on site is not feasible, e.g., planting capacity has been reached on site, the Director of Development Services, or their designee may approve:
 - (A) Planting the same number and type of replacement trees required under this subsection (c)(4), as amended, in a City park or other designated area;

- (B) Payment into the tree fund of \$150.00 per caliper inch at a ratio of 1:1 for removal of protected trees that are 8" to 18.9". ~~This fee will be used by the City for installation and maintenance of trees in City parks and other City-owned properties;~~
- (C) Payment into the tree fund of \$300.00 per caliper inch at a ratio of 2:1 for removal of protected trees that are ~~16~~19" to 25.9". ~~This fee will be used by the City for installation and maintenance of trees in City parks and other City-owned properties;~~
- (D) Some reasonable combination of such off-site mitigation and payment.
- (6) Preservation incentives. If removal of a protected tree is proposed due to efforts to comply with other provisions of this code, the applicant may request that the Parks Director, Director of Engineering, and Director of Development Services, after consultation with the Director of Development Service, or their designee, consider the following preservation incentives in exchange for the nonremoval and preservation of the protected tree:
- (A) Parking space reductions. Reduction in the minimum parking requirements as necessary to save and/or properly protect a protected tree.
- (B) Sidewalks. Modification to sidewalks, their location and possibly the width and curb requirements as necessary to facilitate protecting a protected tree.
- (C) Landscape credits. The actual tree canopy of a protected tree may be credited toward the requirements of section 14.07.011 of this Code; however, any credits earned will not count towards replacement credits of any other protected tree in the event a subsequent protected tree removal application is approved for the same project.
- (D) Parkland dedication credit. The parkland dedication requirement for a residential subdivision may be reduced up to five (5) dwelling units for each protected tree saved, provided that the protected tree saved is located on public parkland, private parkland, or open space.
- (7) Protected tree protection during construction.
- (A) Prior to the commencement of any development, a tree protection fence constructed of approved materials shall encompass the CRZ of any protected tree. Said tree protection fence must be maintained throughout the construction process.
- (B) During construction, no materials including but not limited to excess soil, vehicles, equipment, liquids, trash, or construction debris may be placed inside of the tree protection fence, nor shall the tree protection fence be altered in any way so as to increase the encroachment of the construction.
- (C) Excavation, grading, soil deposit, impervious covering, drainage and leveling within the CRZ of protected trees is prohibited unless approved by the Director of Development Services, or their designee. Any impervious cover proposed within the CRZ of a protected tree will be reviewed on a case-by-case basis by the Director of Development Services, or their designee upon field inspections and or plan reviews. In any case, generally no more than 25% of the CRZ of any protected tree can be covered with impervious cover. Any protective fencing being used around heritage trees may only be reduced while impervious cover activity is being done. The remainder of the protective fencing must stay intact for the duration of the project.
- (D) Disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials is prohibited within the CRZ of protected trees.
- (E) The attachment of wires, signs and ropes to any protected tree is prohibited.
- (F) The location of utility service and irrigation lines inside the CRZ of protected trees is only allowed when approved by the Director of Development Services, or their designee. If boring is used to provide underground utility access, the minimum length of the bore shall be the width of the tree's mature canopy. The minimum depth of the bore shall be specified by the Director of Development Services, or their designee, but in no event be less than 24" below the natural grade existing prior to any development activity within the CRZ.
- (G) Soil disturbance or other injurious and detrimental activity within the CRZ of protected trees is prohibited.
- (H) At applicant's expense, an ISA certified arborist or their employee(s) shall be present whenever activities occur which will pose a potential threat to the health of the protected tree such as pruning, or

whenever any work needs to be done within the CRZ of such tree.

(I) The applicant shall notify the Director of Development Services, or their designee whenever any damage or injury occurs to a protected tree during construction so that proper treatment may be administered.

(8) Violations; penalties.

(A) Any person intentionally, knowingly, or negligently causes damage to a protected tree shall be required to take such steps as may be required by the Director of Development Services, or their designee to assure the future vitality of the tree, including costs of chemical or other types of treatment and/or construction of protective barriers, or if the Director of Development Services, or their designee determines that the damaged protected tree is no longer reasonably sustainable, the person shall be required to replant replacement trees at two (2) times the amount specified in subsection (c)(4), as amended, and shall pay a civil penalty in the amount of \$1,000.00 for each protected tree that was damaged.

(B) Any person who intentionally, knowingly, or negligently removes a protected tree in violation of this Article shall be required to replant replacement trees at two (2) times the amount specified in subsection (c)(4), as amended, and shall pay a civil penalty into the tree fund in the amount of \$1,000.00 for each protected tree that was removed.

(C) If the Director of Development Services, or their designee, determines that the on-site replacement required by this subsection is not feasible, the Director of Development Services, or their designee, may approve either:

(i) Planting replacement trees from the selection specified in the preferred plant list at two (2) times the amount specified in subsection (c)(4), as amended in a City park or other designated area;

(ii) Payment of two (2) times the amount specified in subsection (c)(5), as amended in the amount of protected tree removed into the tree fund ~~or account for use by the City for installation and maintenance of trees in City parks and other City owned properties;~~ or

(iii) Some reasonable combination of such off-site replacement and payment, as determined by the Director of Development Services, or their designee.

(d) Preservation of heritage trees.

(1) General requirements.

(A) Except as otherwise provided in subsection (2) or in accordance with subsection (1)(B) of this section, it is unlawful to remove or prune a heritage tree without written approval of the Director of Development Services, or their designee.

(B) Preliminary plans and site development plans depicting any heritage trees shall be submitted to the Director of Development Services, or their designee for evaluation and recommendation for administrative approval or, when required, submission to the Planning and Zoning Commission. Final approval of the final plat or site plan constitutes an approval for removal or pruning of a heritage tree, provided it is specifically identified on the plat or site plan as being removed with the development and provided that each such removal is specifically reviewed and approved by the Director of Development Services, or their designee.

(C) The location of all proposed buildings and improvements shall be oriented by the applicant, to the greatest extent in a manner which allows for the preservation of heritage trees.

(D) In the case of new development, any mitigation or contribution required under this section shall be satisfied prior to issuance of a final certificate of occupancy or commencement of permanent utilities.

(E) All pruning must be performed by an International Society of Arboriculture (ISA) certified arborist, or under the direct supervision of an ISA certified arborist, and must follow the American National Standards Institute (ANSI) A300 standards.

(2) Exceptions. A heritage tree may be removed or pruned without an application only under the following circumstances:

(A) Hazardous condition. If a heritage tree is damaged by a natural disaster such as a tornado, storm, flood or other act of God, and presents an immediate hazard that endangers public health, welfare or safety, then no application shall be required for removal or pruning of only the hazardous portion of the tree, provided that the removal or pruning is effected in a timely manner so as to maintain the integrity and

vigor of the tree and the owner preserves and forwards to the Director of Development Services, or their designee documentation of the damage, which shall include photographs of any damage.

(B) City, public utilities, and governmental entities. Pruning the canopy of heritage trees may be carried out by the City, public utility, governmental entity, or political subdivision of this State without an application if performed by an International Society of Arboriculture (ISA) certified arborist or under the direct supervision of an ISA certified arborist.

(3) Application requirements.

(A) Application for the removal or pruning of a heritage tree located on public property or in any public street, alley, right-of-way, or easement shall be made by any City department or any public utility or political subdivision of the State with authority to install utility lines or other public facilities in or above the property, street, alley, right-of-way or easement on which such tree is located, or by the owner of real property abutting upon the site of the tree or its crown.

(B) Application for the removal or pruning of a heritage tree located on privately owned property shall be made by the owner of the property on which such tree is located, except that an appropriate City official may make application on behalf of the owner of the property on which the tree is located to remove a tree that constitutes a hazard to the safety of persons or property, or that is seriously diseased.

(C) The application shall be via the City's protected tree removal application form, signed by the applicant or their authorized representative, and submitted to the Director of Development Services, or their designee.

(D) Upon receipt of a completed application for heritage tree removal or pruning, the Director of Development Services, or their designee shall inspect the subject tree and shall approve or deny the request within a period of ten (10) working days. The Director of Development Services, or their designee shall promptly send written notice of such approval or denial to the applicant.

(E) The Director of Development Services, or their designee shall not approve a heritage tree removal or pruning application unless such removal or pruning is within the spirit and intent of this Article and:

(i) The City or the State department of transportation determines the heritage tree is located in a sight triangle or clear zone of a public street;

(ii) The application seeks approval for pruning of thirty (30) percent or less of a heritage tree's viable crown;

(iii) The Director of Development Services, or their designee determines the heritage tree to be dead, dying, or diseased and either:

a. It constitutes a hazard to life or property which cannot reasonably be mitigated without removal or pruning of the tree; or

b. Its restoration to sound condition is not practicable or its disease is reasonably transmittable and expected to endanger the health of other trees;

(iv) The heritage tree is located on or within twenty (20) feet of an area that will be used for a building, recreation area, roadway, public street, alley, or right-of-way, drainage right-of-way, public access easement, or utility easement;

(v) The heritage tree would deprive the applicant of the reasonable use and enjoyment of their single-family residential property; or

(vi) The heritage tree would deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.

(F) If a heritage tree removal application is approved pursuant to the provisions of this subsection, the applicant must comply with all applicable provisions of this section, including mitigation.

(G) Approval for removal of a heritage tree shall remain valid for the shorter of:

(i) The period stated on the Director of Development Services, or their designee's written approval issued pursuant to this section or on a final plat, site development plan, or alternative landscape plan approved pursuant to this Article; or

(ii) The minimum period allowable by law.

(4) Mitigation; on-site.

- (A) Upon approval of heritage tree removal application, the applicant shall, no later than thirty (30) days from the date of approval of the application, submit a mitigation plan showing the proposed type, location, and irrigation plan for the proposed replacement trees.
- (B) The mitigation plan must provide for planting of replacement shade/canopy trees at a ratio of 3:1 for each heritage tree removed.
- (C) No replacement trees shall be planted until the mitigation plan has been approved by the Director of Development Services, or their designee.
- (D) Replacement trees shall comply with the preferred plant list of this Article.
- (E) Transplanting of heritage trees. Heritage trees can be transplanted to a suitable location on the same property or off site, without the requirement of further mitigation, if the applicant complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least two (2) years.
- (F) No mitigation required. The mitigation provisions of this section shall not be required under the following circumstances:
 - (i) For the removal of a heritage tree located in a sight triangle or clear zone of a public street, as confirmed by the City or the State department of transportation;
 - (ii) For the removal of any heritage tree the Director of Development Services, or their designee determines to be dead, dying, or diseased and hazardous, unlikely to recover, or reasonably expected to endanger the health of other trees;
 - (iii) For pruning of thirty (30) percent or less of a heritage tree's viable crown; or
 - (iv) For the removal of a heritage tree that is located in a dedicated public right-of-way or that would otherwise deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.
- (G) Maintenance. If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of two (2) years after issuance of the certificate of occupancy, the owner of the property shall replace the trees within six (6) months.
- (5) Mitigation: off-site or cash in lieu. If the Director of Development Services, or their designee determines that mitigation for heritage tree removal by replanting trees on site is not feasible, e.g., planting capacity has been reached on site, an applicant may choose one of the following alternatives in lieu of replanting on site:
 - (A) Planting the same number and type of replacement shade/canopy trees required under subsection (d)(4), as amended, in a City park or other designated area;
 - (B) Payment into the tree fund of \$450.00 per caliper inch at a ratio of 3:1 for removal of heritage trees 26" and above. ~~This fee will be used by the City for installation and maintenance of trees in City parks and other City-owned properties;~~
 - (C) Some reasonable combination of such off-site mitigation and payment.
- (6) Preservation incentives. If removal of a heritage tree is proposed due to efforts to comply with other provisions of this code, the applicant may request that the Parks Director, Director of Engineering, and ~~Director of Development Services~~ director of planning, after consultation with the Director of Development Services, or their designee, consider the following preservation incentives in exchange for the nonremoval and preservation of the heritage tree:
 - (A) Parking space reductions. Reduction in the minimum parking requirements as necessary to save and/or properly protect a heritage tree.
 - (B) Sidewalks. Modification to sidewalks, their location and possibly the width and curb requirements as necessary to facilitate protecting a heritage tree.
 - (C) Landscape credits. The actual tree canopy of a heritage tree may be credited toward the requirements of section 14.07.011 of this Code; however, any credits earned will not count towards replacement credits of any other heritage tree in the event a subsequent heritage tree removal application is approved for the same project.
 - (D) Parkland dedication credit. The parkland dedication requirement for a residential subdivision may be reduced up to five (5) dwelling units for each heritage tree saved, provided that the heritage tree saved is

located on public parkland, private parkland, or open space.

(7) Heritage tree protection during construction.

(A) Prior to the commencement of any development, a tree protection fence constructed of approved materials shall encompass the CRZ of any heritage tree. Said tree protection fence must be maintained throughout the construction process.

(B) During construction, no materials including but not limited to excess soil, vehicles, equipment, liquids, trash, or construction debris may be placed inside of the tree protection fence, nor shall the tree protection fence be altered in any way so as to increase the encroachment of the construction.

(C) Excavation, grading, soil deposit, impervious covering, drainage and leveling within the CRZ of heritage trees is prohibited unless approved by the Director of Development Services, or their designee. Any impervious cover proposed within the CRZ of a heritage tree will be reviewed on a case-by-case basis by the Director of Development Services, or their designee upon field inspections and/or plan reviews. In any case, generally no more than 25% of the CRZ of any heritage tree can be covered with impervious cover. Any protective fencing being used around heritage trees may only be reduced while impervious cover activity is being done. The remainder of the protective fencing must stay intact for the duration of the project.

(D) Disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials is prohibited within the CRZ of heritage trees.

(E) The attachment of wires, signs and ropes to any heritage tree is prohibited.

(F) The location of utility service and irrigation lines inside the CRZ of heritage trees is only allowed when approved by the Director of Development Services, or their designee. If boring is used to provide underground utility access, the minimum length of the bore shall be the width of the tree's mature canopy. The minimum depth of the bore shall be specified by the Director of Development Services, or their designee, but in no event be less than 24" below the natural grade existing prior to any development activity within the CRZ.

(G) Soil disturbance or other injurious and detrimental activity within the CRZ of heritage trees is prohibited.

(H) At applicant's expense, an ISA certified arborist or their employee(s) shall be present whenever activities occur which will pose a potential threat to the health of the heritage tree such as pruning, or whenever any work needs to be done within the CRZ of such tree.

(I) The applicant shall notify the Director of Development Services, or their designee whenever any damage or injury occurs to a heritage tree during construction so that proper treatment may be administered.

(8) Violations; penalties.

(A) Any person intentionally, knowingly, or negligently causes damage to a heritage tree shall be required to take such steps as may be required by the Director of Development Services, or their designee to assure the future vitality of the tree, including costs of chemical or other types of treatment and/or construction of protective barriers, or if the Director of Development Services, or their designee determines that the damaged heritage tree is no longer reasonably sustainable, the person shall be required to replant replacement trees at two (2) times the amount specified in subsection (d)(4), as amended, and shall pay a civil penalty in the amount of \$1,000.00 for each heritage tree that was damaged.

(B) Any person who intentionally, knowingly, or negligently removes a heritage tree in violation of this Article shall be required to replant replacement trees at two (2) times the amount specified in subsection (d)(4), as amended, and shall pay a civil penalty in the amount of \$1,000.00 into the tree fund for each heritage tree that was removed.

(C) If the Director of Development Services, or their designee, determines that the on-site replacement required by this subsection (d) is not feasible, the Director of Development Services, or their designee, may approve either:

(i) Planting replacement trees from the selection specified in the preferred plant list at a caliper ratio of two (2) times the amount specified in subsection (d)(4), as amended the same number and type of replacement trees required under this subsection in a City park or other designated area;

(ii) Payment into the tree fund of two (2) times the amount specified in subsection (d)(5), as amended caliper inch of heritage tree removed ~~into the tree fund or account for use by the City for installation and maintenance of trees in City parks and other City owned properties;~~ or

(iii) Some reasonable combination of such off-site replacement and payment, as determined by the Director of Development Services, or their designee.

(Ordinance CO12-19-03-14-E1 adopted 3/14/19)

ARTICLE 12.13 CONSTRUCTION STANDARDS

Sec. 12.13.001 Compliance

- (a) In addition to the requirements established by this chapter, all development within the city limits shall be designed so as to comply with all applicable city codes and ordinances as well as the City of Austin Standards, except for environmental and utility; and all development within the extraterritorial jurisdiction of the city shall comply with this chapter and all applicable city/county codes and ordinances.
- (b) A subdivision inspection fee shall be paid to the city for the inspection of subdivision improvements, including street, drainage, water, wastewater and revegetation improvements and erosion controls used during construction. The subdivision inspection fee shall be paid prior to the approval of plans and specifications by the ~~Public Works~~Engineering Department. The subdivision inspection fee shall be in accordance with the fee schedule found in appendix A of the city's code of ordinances.

Sec. 12.13.002 Construction plans

- (a) Purpose. Construction plans, based upon the approved final plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the preliminary plan phase and required by this chapter and other applicable city ordinances, codes and policies, shall be submitted to the city for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing city infrastructure shall also be submitted to the city for approval. The plans shall be kept by the city as a permanent record of required improvements in order to:
 - (1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing city infrastructure.
 - (2) Provide data for evaluation of materials, methods of construction and design.
 - (3) Provide documentation of approved public improvements to ensure that all such improvements are built to city standards and specifications.
 - (4) No final plat shall be certified by the city, and no construction activities shall commence, until such time as construction plans completely describing the on-site and off-site improvements required by this chapter and other applicable city ordinances and codes, have been approved by the ~~Public Works~~Engineering Department.
- (b) Format. Drawings shall be on twenty-two-inch by thirty-four-inch (22"x34") sheets at generally accepted horizontal and vertical engineering scales.
- (c) Content. Construction plans shall include all on- and off-site improvements required to serve the proposed development as indicated on the approved preliminary plan and in compliance with applicable ordinances, codes, standards and policies of the city, and other applicable governmental entities. All construction plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:
 - (1) Cover sheet.
 - (A) The appropriate project name, date, and the name, addresses and phone numbers of the applicant, engineer and surveyor, etc.
 - (B) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

- (C) An index with consecutive sheet numbers.
- (2) General notes. Current City of Cedar Park subdivision construction notes.
- (3) Street and roadway systems.
 - (A) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of stormwater flow and the location of manholes, inlets and special structures;
 - (B) Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway.[:]
 - (C) Typical right-of-way cross-sections showing pertinent design details and elevations as prescribed in the city standard details and specifications;
 - (D) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;
 - (E) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies; and
- (4) Drainage improvements.
 - (A) Detailed design of all drainage facilities as indicated in the preliminary plan phase, including typical channel or paving section, storm sewers and other stormwater control facilities.
 - (B) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
 - (C) Existing and proposed topographic conditions indicating one-foot contour intervals for slopes less than 5%, two-foot contour intervals for slopes between five percent (5%) and ten percent (10%), and five-foot contour intervals for slopes exceeding ten percent (10%), and referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - (D) Attendant documents containing design computations in accordance with this chapter, and any additional information required to evaluate the proposed drainage improvements.
 - (E) A copy of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
- (5) Erosion and sedimentation controls.
 - (A) Proposed fill or other structure-elevating techniques, levees, channel modifications and detention facilities.
 - (B) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - (C) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
 - (D) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
 - (E) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
- (6) Water distribution systems.
 - (A) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the preliminary plan phase and in accordance with the city standard details and specifications.
 - (B) The existing and proposed location of fire hydrants, valves, meters and other fittings.
 - (C) Design details showing the connection with the existing city water system.
 - (D) The specific location and size of all water service connections for each individual lot.
 - (E) Attendant documents containing any additional information required to evaluate the proposed water distribution system.
- (7) Wastewater collection systems.
 - (A) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift

stations, and other related structures sufficient to serve the land uses and development as identified in the preliminary plan phase, in accordance with all current city standards, specifications, and criteria for construction of wastewater systems.

(B) Plan and profile drawings for each line in public rights-of-ways or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty-foot intervals.

(C) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.

(D) Detailed design for lift stations, package plants or other special wastewater structures.

(E) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for state health department approval.

(8) Street lighting.

(A) The location, size, type and description of street lights according to city standard details and specifications.

(B) All electric service lines to serve street lights shall be located entirely within the city's right-of-way, unless approved in writing by the Director of Engineering or his/her designee.

(9) Street signs. The location, size, type and description of street signs according to city standard details and specifications.

(10) Speed limit signs and permanent traffic barricades. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to city standard details and specifications.

(11) Sidewalks.

(A) All sidewalks shall be designed and constructed in accordance with city standard details and specifications, Transportation Criteria Manual, transportation master plan and any other applicable city codes and ordinances[.]

(B) Sidewalks associated with a residential subdivision that are not located adjacent to a residential lot are required to be built by the developer at the same time as the subdivision improvements.

(C) Sidewalks associated with a residential subdivision that were not built with the subdivision improvements and are adjacent to residential lots are required to be built by the homebuilder.

(D) Sidewalks associated with commercial development are required to be constructed on all sides of all streets within and immediately adjacent to the proposed development.

(12) Improvements for parks and other public and common areas. As identified and/or approved on the preliminary plan.

(13) The location, size and description of all significant trees (to remain and to be removed), and replacement trees to meet the requirements of landscape and tree ordinance.

(14) Landscaping and screening. The location, size and description of all landscaping and screening materials as required by the zoning ordinance and landscape and tree ordinance.

(15) Design criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the preliminary plan.

(16) Cost estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.

(d) Procedure. After all necessary approvals of the preliminary plan have been granted, construction plans, together with a completed application form and review fee, shall be submitted to the Public Works Engineering Department for approval.

(1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.

(2) City staff shall review all construction plan submittals for completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational

requirements as outlined above, it will not be accepted for review.

(3) The Engineering Department shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.

(4) For projects located within the city's extraterritorial jurisdiction, the construction plans and attendant documents shall also be provided to the county for review and approval. The applicant shall be responsible for any additional information required by the county for construction plan approval.

(5) For projects located within the Lake Travis watershed, the construction plans shall be provided to the city for compliance with the Lake Travis and Upper Highland Lakes Nonpoint Source Pollution Control Ordinance.

(e) Approval. Within thirty (30) days of the date on which all required information has been accepted for review, the ~~Public Works~~Engineering Department shall either approve or disapprove the construction plans.

(1) If the construction plans are disapproved, the ~~Public Works~~Engineering Department shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the construction plans into compliance.

(2) If construction plans are approved, then the ~~Public Works~~Engineering Department shall sign the cover sheet of the construction plans, returning one (1) signed copy to the applicant and retaining the other signed copy for city records.

(3) The applicant should be aware that specific approvals from other agencies may be required.

(4) All improvements shown in the approved construction plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(f) Revision. Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to construction plans for which approval has already been obtained, the ~~Public Works~~Engineering Department shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with city requirements. Approval of such changes agreed to between the applicant and ~~Public Works~~Engineering Department shall be noted by initialing and dating by both parties on the two (2) original signed copies of the construction plans. Revisions to the construction plans shall be reviewed and approved by the ~~Public Works~~Engineering Department prior to construction of the revisions.

(g) Responsibility. Notwithstanding the approval of any construction plans by the council, the Engineering Department, the applicant and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the applicant or his/her engineer for or with respect to any design, plans and specifications submitted.

(Ordinance CO42-07-07-12-31 adopted 7/7/12)

ARTICLE 12.14 PRIVATE STREETS AND GATED SUBDIVISIONS

Sec. 12.14.004 Property owners association

(a) Subdivisions developed with private streets shall establish a mandatory property owners association and shall record applicable deed restrictions and association documents concurrent with the recordation of the final plat. The association shall own and be responsible for the maintenance of the private streets and related improvements including but not limited to alleys, sidewalks, drainage facilities, storm sewer lines, water and wastewater lines, street lighting, signage and markings. Lot deeds shall convey membership in the association and provide for the payment of dues and assessments required by the association in order to provide for the continuous maintenance of the facilities. The association may not be dissolved, and no portion of the association documents pertaining to this section may be amended without the written consent of the city.

(b) The property manager shall be required to maintain and file a fidelity bond. The name of the association's president shall be submitted to the ~~Public Works~~Engineering Department and updated as needed.

(c) The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a property owners association requiring the payments of

fees and/or assessments for the maintenance of private streets. Failure to pay fees or assessments could result in attachment of a lien on your property by the association or by the city.

- (d) The association documents shall establish a reserve fund for the maintenance of private streets and other improvements, and contain provisions for reliable access to provide city services and to other utility service providers with appropriate identification. A reserve fund balance report shall be submitted to the **Public Works Engineering** Department annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets and related improvements.
- (e) A professional engineer for the developer shall provide a projected maintenance schedule and an estimate of the annual costs required to repair and maintain the private streets. The information shall be the basis for the annual reserve fund balance report.
- (f) In the event the association fails to maintain the streets in accordance with city standards, the city may repair and maintain the streets and charge the cost to the association. If the association fails to pay for the maintenance cost, after notice to the property owners, the costs shall be filed as a lien on all property within the subdivision.
- (g) There shall be included on the final plat a statement confirming compliance of all association documents with applicable city ordinances, and all association documents shall be filed concurrent with the recordation of the final plat.

ARTICLE 12.15 ASSURANCES FOR COMPLETION OF IMPROVEMENTS

Sec. 12.15.003 Completion of improvements

- (a) Prior to the signing of the approved final plat by the chairman of the Planning and Zoning Commission and the planning director, the applicant shall:
 - (1) Complete all improvements required by this chapter in accordance with the approved construction plans and subject to the approval of the Engineering Department and acceptance by the City Council, except as otherwise provided for in this chapter.
 - (2) Construct all sidewalks as shown on the approved construction plans and according to the city standard details and specifications. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.
- (b) Alternative to completing improvements. The city may waive the requirement that the applicant complete all improvements required by this chapter prior to the signing of the approved final plat, contingent upon securing from the applicant a guarantee, as provided for by this section, for completion of all required improvements, including the city's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. The Planning and Zoning Commission and council must be notified that this waiver was granted at the time of preliminary plan approval. Such guarantee shall take one (1) of the following forms:
 - (1) Performance bond. The applicant shall post a performance bond with the city, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements, using the standard city form.
 - (2) Escrow account. The applicant shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be subject to the approval of the city. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the applicant shall file with the city an agreement between the financial institution and the applicant guaranteeing the following:
 - (A) that the funds of said escrow account shall be held in trust until released by the city and may not be used or pledged by the applicant as security in any other matter during that period.
 - (B) That in the case of a failure on the part of the applicant to complete said improvements, the financial institution shall immediately make the funds in said account available to the city for use in the completion of those improvements.
 - (3) Letter of credit. The applicant shall provide a letter of credit from a bank or other reputable institution or

individual. This letter shall be submitted to the city and shall certify the following:

- (A) That the creditor does guarantee funds equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements.
- (B) That, in the case of failure on the part of the applicant to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- (C) That this letter of credit may not be withdrawn, or reduced in amount, until approved by the city according to provisions of this chapter.
- (4) Cost estimates. A licensed professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the city engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.
- (5) Surety acceptance. The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this chapter, shall meet or exceed the minimum requirements established by city ordinance and shall be subject to approval by the city as provided in the ordinances of the city.
- (6) Sufficiency. Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this chapter. All such surety instruments shall be both a payment and performance guarantee.
- (7) If the project is located in the extraterritorial jurisdiction of the city, and is subject to the bonding requirements of the county for the construction of roadways, then that amount of money shall be reduced from the amount required to be posted with the city, provided that the instrument is transferable from the county to the city upon annexation.
- (c) Time limit for completing improvements. The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the city, exceed one (1) year from date of final plat approval.
 - (1) The Planning and Zoning Commission may, upon application of the applicant and upon proof of hardship, recommend to the council extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such hardship may include delays imposed due to city projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a licensed professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the city engineer.
 - (2) The council may at any time during the period of such surety instrument accept a substitution of principal sureties upon recommendation of the Planning and Zoning Commission.

(Ordinance CO42-07-07-12-3I adopted 7/12/07)

- (d) Assurances for completion shall be posted or improvements shall be completed within two (2) years of final plat approval, unless otherwise approved by the city. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city may declare the applicant and/or surety to be in default and require that all the improvements be installed.
- (Ordinance CO10-15-01-08-C1 adopted 1/8/15)

- (e) Inspection and acceptance of improvements. The Engineering Department shall inspect all required improvements, to insure compliance with city requirements and the approved construction plans.
 - (1) When all required improvements have been satisfactorily completed, the Engineering Department shall either:
 - (A) Accept, in writing, the improvements as having been satisfactorily completed, or
 - (B) Issue a punch list to the applicant denoting items remaining to be completed.
 - (2) The Engineering Department shall have ten (10) working days to complete this inspection upon notification by the applicant.
 - (3) The Engineering Department shall issue the report within ten (10) working days of the date of

inspection.

(4) The city shall not accept dedications of required improvements or release or reduce a performance bond or other assurance until such time it is determined that:

(A) All improvements have been satisfactorily completed.

(B) One (1) Mylar set of as-built plans measuring twenty-two by thirty-four (22 x 34) inches has been submitted to and approved by the Engineering Department, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

(C) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the Engineering Department.

(D) Two (2) copies of maintenance bonds meeting the requirements of this chapter have been provided.

(E) Electronic copy containing computed generated Auto CAD drawings of all public improvements shown on the construction plans, and all lot lines shown on the plat, have been submitted to the Engineering Department to update city maps.

(F) An affidavit of all bills paid and a release of liens have been provided.

(G) Documentation is provided from TDLR that the improvements are acceptable.

(H) Any and all other requirements identified in the final plat process have been satisfied.

(5) The applicant shall provide a certificate of compliance from the state department of licensing and regulation for all pedestrian improvements within the subdivision.

(f) Reduction or release of improvement surety instrument.

(1) A surety instrument may be reduced with the approval of the Engineering Department, and the director of finance, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the ~~Public Works~~Engineering Department.

(2) Before the city shall reduce said surety instrument, the applicant shall provide a new surety instrument in an amount equal to one hundred ten percent (110%) of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this engineering.

(3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the applicant as specified in the performance surety instrument.

(4) In no event shall a surety instrument be reduced below ten percent (10%) of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.

(5) The city shall not release a surety instrument unless and until all the conditions of this chapter have been met.

(g) Maintenance bond required.

(1) Before the release of any surety instrument guaranteeing the construction of required subdivision improvements, or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation, the developer shall furnish the ~~Public Works~~Engineering Department with a maintenance bond or other surety to assure the quality of materials, workmanship, and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.

(2) The maintenance bond or other surety instrument:

(A) Shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

(B) Shall clearly state both the applicant and the city as joint obligees.

(C) Shall cover all facilities requested for city acceptance, including water, wastewater, street and drainage improvements.

(D) Shall be in an amount equal to 10% of the cost of improvements for the two (2) calendar years from the date of City Council acceptance of operation and maintenance of the subdivision. A statement of

construction value or final pay estimate shall be provided to the Engineering Department to support said warranty and maintenance bond amounts.

(E) Shall require the surety to notify the city at least fifteen (15) days prior to the end of the calendar year[.]

(3) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(4) Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of two (2) full calendar years sufficient to cover the corrected defect or failure.

ARTICLE 12.16 STORMWATER MANAGEMENT

Sec. 12.16.002 Applicability

The provisions of this section shall apply to all major subdivision, development plat and/or site development activities requiring land use permits and approvals within the City limits and the extraterritorial jurisdiction of the City, unless otherwise excluded within this section. The section also applies to land development activities that are smaller than the maximum square footage exempted if such activities are part of a larger common plan of development. In addition, all plans must also be reviewed by either TCEQ (if located within the Edwards Aquifer contributing and/or recharge zones) or the City on behalf of LCRA (if located within the Lake Travis Watershed) to ensure that established water quality standards will be maintained during and after development of the site.

TCEQ approval is required prior to site development permit issuance.

Sec. 12.16.003 Exemptions

(a) The following situations are exempt from the requirements of this section:

- (1) Agricultural use of land;
- (2) Additions or modifications to existing single-family structures;
- (3) Development or redevelopment projects whereby no more than one thousand (1,000) square feet of additional or new impervious cover is created, provided they are not part of a larger common development plan;
- (4) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

(Ordinance CO42-07-07-12-3I adopted 7/7/12)

Sec. 12.16.007 Standards for approval of plats and site plans

(a) No preliminary plan, final plat, development plat, subdivision construction plan, or site plan shall be approved unless:

- (1) The proposed preliminary plan, final plat, development plat, subdivision construction plan, or site plan provides a sufficient waterway for the design flood, determined in accordance with the drainage criteria manual;
 - (2) Any proposed improvements are of sufficient strength to resist any pressure of earth or building from the outside and pressure or abrasion of water and debris from the inside;
 - (3) All proposed grades are such that water will not gather in pools which may become stagnant or foul;
 - (4) The proposed development will not result in additional identifiable adverse flooding of other property;
- and

(5) Both temporary and permanent erosion control measures are adequate to minimize siltration of the waterway as approved by the Engineering Department.

(b) It shall be the responsibility of the developer to design and construct a system for the collection and transport of all stormwater runoff flowing into, and generated within the development, in accordance with:

(1) The requirements of this Ordinance;

(2) The City of Austin Drainage Criteria Manual, as currently amended, save and except as noted in this Ordinance;

(3) Good engineering practices;

(4) Approved engineering plans for construction;

(5) The regulations and principles of law established pursuant to the Texas Water Code; and

(6) The best available data from local, state and federal agencies or sources.

(c) The fiscal security required under Chapter 12 shall be made sufficient to cover the cost of:

- (1) Installing and maintaining erosion and sedimentation controls throughout construction;
- (2) Revegetation;
- (3) On and off-site cleanup; and
- (4) Remedying any erosion damage resulting from development pursuant to this permit.

(ed) The fiscal security shall insure the installation, maintenance, performance, and/or remedy of the following, without cost to the City, in the event the applicant fails to:

- (1) Install or maintain adequate erosion and sedimentation controls; revegetate;
- (2) Perform on and off-site cleanup; ~~or~~ and
- (3) Remedy erosion damage.

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

Sec. 12.16.008 Additional standards for approval of site plans

(a) In addition to the requirements of sec. 12.16.007, no site plan for property within the zoning jurisdiction of the city shall be approved if a proposed building shown on the site plan encroaches in the one-hundred-year floodplain, as the same is calculated to exist under fully developed undetained conditions, in accordance with the drainage criteria manual.

(b) Subsection (a) shall not apply to construction of a parking area of less than 5,000 square feet or an unoccupied structure of less than 1,000 square feet where the Engineering Department has determined the proposed development does not have an adverse effect on the floodplain or surrounding properties and is otherwise in compliance with the requirements of this chapter.

(c) The engineering director or his/her designee shall have the discretion to approve a site plan for construction, notwithstanding noncompliance with the conditions set forth in this section, when the applicant submits a written request specifying the conditions requested to be waived, accompanied by a detailed justification signed and sealed by a Texas registered professional engineer certifying that the request will not result in additional adverse flooding of other property, and the engineering director or his/her designee determines that the request constitutes a minimum departure from the conditions set forth in this section, that such departure is necessitated by the unique conditions of the site, and that such departure does not create an adverse flooding condition for other properties.

(d) No proposed parking area shall encroach upon the one-hundred-year floodplain, as the same is calculated to exist under fully developed undetained conditions in accordance with the drainage criteria manual unless:

- (1) The level of water detention or waterflow in such parking area during the 100-year storm exceeds neither an average depth of eight inches (8") nor a maximum depth at any point of twelve (12) inches; and
- (2) Appropriate notice signs, as approved by the ~~Public Works~~Engineering Department are posted if any water detention or water flow in such parking area may exceed a depth of eight (8) inches at any point.
- (3) No building or parking lot construction shall encroach upon the twenty-five-year floodplain, as the same is calculated to exist under fully developed undetained conditions in accordance with the drainage criteria manual.

Sec. 12.16.009 Drainage studies and floodplain delineations

- (a) The owner of property to be developed may be required by the Engineering Department to provide, at the owner's expense and as a condition for preliminary plan, final plat, development plat, subdivision construction plan or site plan approval, a drainage study for the total area to be ultimately developed. The study shall be in accordance with the drainage criteria manual, and shall be submitted to the department for approval prior to the acceptance for review of any construction plans for any portion of the development.
- (b) If any portion of a proposed development is included within a floodplain or floodway delineation accepted or recognized by the city, such delineation shall be clearly shown on all preliminary plans, final plats, development plats, subdivision construction plans, and site plans ~~final plats~~ submitted for approval.
- (c) The Engineering Department shall designate and maintain official floodplain maps. In any case in which official floodplain maps are not available, the owner of property to be developed shall designate the boundaries of the one-hundred-year floodplain in accordance with the drainage criteria manual and shall clearly show such on all preliminary plans, final plats, development plats, subdivision construction plans, and final platssite plans submitted for approval.

Sec. 12.16.011 Stormwater drainage facilities

- (a) Computation of stormwater runoff shall be based on a fully developed undetained contributing drainage area or watershed and shall be in accordance with the drainage criteria manual.
- (b) Easements or rights-of-way shall be dedicated by the owner of the property to be developed to the public for the purpose of containing all drainage facilities, open or enclosed, and all stormwater flows to the limits of the one-hundred-year floodplain as determined in accordance with subsection (a). No easement or right-of-way for such purposes shall be less than twenty-five (25) feet in width for open drainage systems or fifteen (15) feet for enclosed drainage systems. Additional easements or right-of-way shall be provided as necessary to allow continuous access for operation, maintenance, and rehabilitation of all drainage facilities. Any part of a lot or tract of land contained within such easement or right-of-way may be counted as part of the area of the lot or tract of land for the purposes of density and impervious cover calculations.
- (c) Within any street right-of-way, an enclosed storm sewer system shall be required to accommodate that portion of the design flow which exceeds street capacities in accordance with the drainage criteria manual.
- (d) The design and construction of all drainage facilities and improvements shall be in accordance with the drainage criteria manual and shall include provisions for maintenance and protection from erosion.

Sec. 12.16.016 Use of drainage ditches in lieu of storm sewers

Open drainage ditches in lieu of enclosed storm sewers are prohibited unless may be constructed if the Engineering Department has determined that the construction of open drainage ditches does not adversely affect the public health, safety, and general welfare.

Sec. 12.16.017 Plans and specifications to bear certificate of a Texas professional engineer

No plans and specifications for any proposed alteration or improvement of a bed or bank of a waterway shall be accepted, reviewed or approved by the Engineering Department unless the plans are complete, accompanied by a certificate bearing the seal of a Texas-registered professional engineer certifying the adequacy of the design,

hydraulically and structurally, of the proposed alteration or improvement and that the proposed alteration or improvement is in compliance with city ordinances, the drainage criteria manual, and state law; provided, however, this section shall not apply to plans and specifications for minor alterations and improvements which in the judgment of the Engineering Department do not require the services of a Texas-registered professional engineer.

ARTICLE 12.17 LAKE TRAVIS WATERSHED NONPOINT SOURCE POLLUTION CONTROL

Sec. 12.17.009 Variances for nonpoint source pollution

- (a) If a unique or site-specific problem exists with the construction plans which makes compliance with this section [article] impractical or unwise, the applicant may submit an alternative plan to the Director of Engineering or his/her designee for consideration. The alternative plan shall provide alternatives that are practical and that contain approximately the same standards as required by this section [article].
- (b) If the alternative plan is denied by the Director of Engineering or his/her designee, the applicant may appeal the denial to the Planning and Zoning Commission.
- (c) The Planning and Zoning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.
- (d) No variance shall be granted unless the Planning and Zoning Commission finds that all of the following are met:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
 - (2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and
 - (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area; and
 - (4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.
- (e) Such findings of the Planning and Zoning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.
- (f) All requested variances from this chapter shall be made in writing at least thirty (30) days prior to the date on which consideration is to be given by the Planning and Zoning Commission. Submittal shall be made to the ~~Public Works~~Engineering Department.
- (g) Planning and zoning commission shall hold at least one public hearing on each application.
 - (1) Written notice of all public hearings on proposed waiver shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.
 - (2) Notice of all public hearings on proposed variances shall also appear in the local newspaper of general circulation within not less than ten (10) days before such hearing is held.
- (h) Positive action of the Planning and Zoning Commission or City Council shall be recorded in the County Clerk's office.

ARTICLE 12.21 UNIFORM CITY SERVICE ADDRESS SYSTEM

Sec. 12.21.001 General

The term “city service address” shall refer to the house number and street name assigned to a property by the City Manager or a designee within the corporate limits of the city or within its extraterritorial jurisdiction. ~~A lot which contains multiple buildings or multiple units or suites within a single building will also be assigned building numbers and unit/suite numbers, which will be part of the city service address.~~

Sec. 12.21.003 Assignment of street names

- (a) New streets in subdivisions shall be named so as to provide continuity of the name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city, the city’s extraterritorial jurisdiction, or other contiguous jurisdictions. -The Director of Development Services may consider requests to assign street names to private drives within properties zoned Mixed Use (MU), Planned Development (PD), and/or Planning Area (PA) if it is determined that naming the private drives will be in the best interest of public safety. A proposed new street name will be considered in conflict if:
- (1) It duplicates a street name already in use within the city’s jurisdiction without being a continuation of that street;
 - (2) It duplicates the ~~stating~~ starting word of a street name already in use by three (3) or more existing streets;
 - (3) It implies an offshoot of an existing street without attachment to that street, such as cul-de-sac with the same name as another street, but not located off that street; or
 - (4) It extends an existing street from a neighboring jurisdiction into Cedar Park’s jurisdiction without continuing the street name.
- (b) Existing street names which are currently in use and required to be changed due to a realignment of the street, new street dedication, vacation or incorporation into a new roadway or arterial, may be changed at the discretion of the City Council upon a recommendation by city staff and submission of a formal request as outlined in section 12.21.004 of this article. After a street realignment or vacation, if any existing city service addresses require renumbering, each lot will be assigned a new city service address as outlined in subsection (e).
- (c) A “legal lot” shall be described as an entire lot in approved, recorded subdivision.
- (d) A “legal tract” shall be described as a parcel of land not created in that configuration by a subdivision plat, but established prior to the effective date hereof and remaining unchanged through current ownership.
- (e) Each lot in a subdivision shall be assigned a city service address as described in section 12.21.001 of this article. No lot will be assigned more than one (1) number as a part of the city service address for that lot. The origin of the numbering system shall be the center of Highway 183 and East and West Park Streets and shall extend as described below, following the centerlines of streets or their prolongation’s except where otherwise prescribed:
- (1) North axis. Northerly on Highway 183 to the north city limits.
 - (2) South axis. Southerly on Highway 183 to the south city limits.
 - (3) East axis. Easterly on East Park Street to the city limits, and eastward across undeveloped land to the eastern extraterritorial jurisdiction.
 - (4) West axis. Westerly on West Park Street to the city limits, and westward across undeveloped land to the western extraterritorial jurisdiction.
- (f) City service address house numbers are assigned according to location within a rectangular grid, oriented to align with the axis of the numbering system. House numbers are assigned so that their numerical sequence increases along a street in a direction away from the center of the grid pattern. Even numbers are used on the south side of east-west streets, and the east side of north-south streets.
- (g) Unplatted properties designated as “legal tracts” shall be assigned to a single city service address which will apply to the entire parcel of land.
- (h) A parcel of land within the city’s extraterritorial jurisdiction, but not receiving city services, will be assigned a single address for the parcel.

- (i) Property zoned commercial will require a site plan of development before assignment of address and will receive one city service address for each “legal lot” as described in subsection (c) of this section.
- (j) Exceptions to these rules governing house numbering may be:
 - (1) Water meters in medians of streets.
 - (2) Permanent sign structures.

ARTICLE 12.22 PROVISION OF WATER AND WASTEWATER SERVICES IN THE ETJ

Sec. 12.22.003 Conditions under which services may be provided in the ETJ prior to annexation

The City Council may determine, in its sole discretion, to provide services in the ETJ without first annexing the property upon: (i) compliance with the conditions set forth below; and (ii) a determination by the City Council that the provision of services is in the best interest of the City.

- (1) Adequate capacity exists. There is adequate capacity of City services available for the purpose of servicing residential and commercial users outside the City without impairing services within the City’s service area. Whether such adequate capacity exists shall be determined solely by the Director of ~~Public~~ WorksEngineering, and the determination of the director shall be final.
- (2) Protection of resources. The extension of services shall not lead to significant degradation of water quality or other environmental resources, or cause or have the potential to cause the City’s non-compliance with any local, State, or federal regulations or statutes.
- (3) Owners outside City limits to bear costs of service facilities and furnish easements. The property owner requesting service shall be responsible for all costs relating to the design and construction of service facilities. The property owner shall also furnish suitable construction and permanent easements and rights-of-way for utility lines.
- (4) Construction to conform to City standards. All design and construction of service facilities shall be in accordance with City standards and specifications.
- (5) New subdivisions to comply with City subdivision regulations. New subdivisions recorded after the date of passage of this section desiring services shall comply with the subdivision regulations of the City of Cedar Park, Texas, in effect at the time such new subdivision is approved.
- (6) City to have right of review. The City shall have the right to review and approve all plats and plans where service is to be provided. The property owner requesting the service shall pay for all reviews in accordance with the Cedar Park Code of Ordinances Appendix A Fee Schedule, as amended.
- (7) Water and sewer facility requirements. Water service will not be provided to residential and commercial users who utilize private sewage facilities.
- (8) Service lines to meet ultimate requirements of the City. All service lines shall be sized to serve the ultimate requirements of the City.
- (9) City may reimburse owner for oversized service lines. Where the service lines required to meet the ultimate requirements for the City are larger than the total capacity required to serve the tract of land to be developed, the City may enter into a contract with the property owner constructing the service lines for reimbursement for the excess capacity[.]
- (10) Extended service lines to be inspected by the City. All service lines and facilities extending from existing City facilities to any tract of land outside the City limits requesting service shall be inspected by the City’s Engineering Department. The property owner requesting the service shall pay for inspections in accordance with the Cedar Park Code of Ordinances, Appendix A, Fee Schedule, as amended.
- (11) Wholesale service to another retail public utility. Any provision of City services on a wholesale basis to another retail public utility in the City’s ETJ will be governed by a separate wholesale service agreement approved by the City Council incorporating terms and conditions determined by the City Council to be in the best interest of the City. Expenses incurred by the City in the negotiation and execution of a wholesale service agreement shall be reimbursed by the property owner or retail public utility requesting the wholesale service.
- (12) Development agreement. The property owner shall enter into a development agreement with the City identifying specific design standards, use restrictions, connection of public infrastructure as deemed necessary

by the Director of ~~Public Works~~Engineering, commitment to allow annexation of the property and to comply with any and all requirements to facilitate the annexation under the Texas Local Government Code, and any other terms determined by the City Council to be in the best interest of the City.

ARTICLE 12.23 DEFINITIONS

Sec. 12.23.001 Purpose

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affected person. Any person whose legal rights, duties or privileges may be adversely affected by NPS pollution from any proposed development for which a permit is sought.

Agricultural activities. ~~Any use of land or water designed to facilitate and provide support for agricultural uses. All activities associated with the pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human or animal consumption.~~

Alley. ~~An alley is a passageway that provides access to the rear or side of property. Alleys are intended for use at very low vehicular speeds and provide alternative locations for garbage collection and dry utilities. A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.~~

Annual pollutant load. The amount of pollution in stormwater runoff that is discharged from a developed site over the course of one year; usually measured in pounds and based on an average year of rainfall. (The average annual rainfall in Travis County in the Lake Travis Watershed is 32.5 inches/year.) The annual pollutant load is estimated by multiplying the pollutant concentration by the volume of runoff and does not include the background pollutant load.

Applicant. The owner of land proposed to be subdivided, the developer or the owner's representative who shall have express written authority by the owner to act on behalf of the owner.

Background pollutant load. The amount of pollution in stormwater runoff that is discharged from a site before development. The background pollutant load is calculated according to the following formula:

$$(\text{Area of site}) \times (\text{Annual runoff coefficient}) \times (\text{Background stormwater pollution concentrations})$$

The annual runoff coefficient is 0.10. The background stormwater pollution concentrations for total suspended solids, total phosphorous, and oil and grease are 48 mg/l, .08 mg/l, and 0.0 mg/l, respectively.

Best management practices (BMPs). Those practices, including but not limited to those described in LCRA's technical manual, that prevent or control nonpoint source pollution. Innovative BMPs are those practices designed by the applicant's engineer to meet or exceed LCRA's performance standards but which are not described in LCRA's technical manual.

Block. ~~A parcel of land within a subdivision that is bounded by streets, open spaces, boundaries of water and/or the exterior boundary of the subdivision. A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley or cul-de-sac is not considered a street, but part of the block.~~

Board. ~~The board of directors of LCRA.~~

Buffer. A barrier constructed of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Building official. ~~The director of planning or his/her designee.~~

Building or setback line. A line or lines designating the interior limit of the area of a lot between said line and the corresponding line within which area structures may not be erected. The building lines typically provide the boundaries of the buildable area of any given lot.

Caliper. The American Association of Nurserymen standard for trunk measurement for nursery stock trees and existing trees. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes for nursery stock or 4.5 feet above the ground for existing trees (also see DBH).

Cash contribution. An equivalent cash value contribution to the city for parkland property acquisition or parkland improvement costs in lieu of dedication of actual parkland property[.]

City. ~~The City of Cedar Park, Texas, a home rule charter City.~~~~The City of Cedar Park.~~

City council or council. ~~The City Council of the City of Cedar Park, Texas.~~~~The City Council of the City of Cedar Park.~~

City staff. The officers, employees and agents of the city assigned and designated from time to time by the ~~by the City Manager to administer the regulations and provisions of this Chapter~~~~City Administrator and/or council to review and/or comment and report on development plans.~~

Collector street. A street moving traffic between local streets and thoroughfares or serving development other than single-family residential.

Commencement of development. The commencement of significant physical site preparation, including clearing, grading, or leveling.

Commercial development. All development other than open space, single-family residential development.

Commission or Planning and Zoning Commission. The Planning and Zoning Commission of the City of Cedar Park.

Condominium. ~~A form of real property ownership with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one (1) or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners. A building unit available for sale in fee simple contained in a multioccupancy project with common undivided interest in the land and subject to covenants and restrictions placing control over the common facilities in an elected board.~~

Construction plans. The maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development.

Corner lot. ~~A lot situated at the intersection of two (2) streets. A lot located at the intersection of and abutting on two (2) or more streets.~~

Creek. A channel or bed conveying a body of running water in wet weather conditions.

Development. All land modification activity, including the construction of buildings, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, dredging and filling, grading, contouring, mining and the deposit of refuse, waste, or fill. Care and maintenance of lawns, gardens, and trees, minimal clearing (10 feet wide) for surveying and testing, and agricultural activities are excluded from this definition.

Development plat. A plat required prior to development (i.e. new construction or the enlargement of any exterior dimension of any building, structure or improvement), in accordance with [Local Government Code Chapter 212, subchapter B](#).

District. ~~LCRA's ten-county statutory district, which includes San Saba, Llano, Burnet, Blanco, Travis, Bastrop, Fayette, Colorado, Wharton, and Matagorda Counties[.]~~

Director of Development Services. ~~The officer or duly authorized staff representative, designated by the City Manager, charged with the administration and enforcement of this Chapter.~~

Double frontage lot. Any lot with frontage on two (2) streets that are parallel to each other. For purposes of these regulations related to building setback lines, both opposing frontages of a double frontage lot are treated as the "front". The building setback for the rear frontage (that is opposite of the front of the principle structure), or to which access is prohibited, shall only regulate the setback for the principle structure and shall not regulate the setback for covered porches or decks, swimming pools, accessory structures, etc. which, if within city limits, shall instead be regulated by the normal rear yard setback of the zoning ordinance.

Easement. Easement shall mean a right granted for the purpose of limited public or semipublic use across, over or under private land.

Engineering Department. ~~Engineering and Public Works departments of the city.~~

Erosion. The detachment and movement of soil, sediment or rock fragments by wind, water, ice, or gravity.

Existing development. For the purposes of this chapter, includes completed development, or any development that is not complete, but which has obtained final plat approval from a governmental entity, prior to February 1, 1990.

Extraterritorial jurisdiction (ETJ). Shall mean that area of land lying outside and adjacent to the corporate limits of the City of Cedar Park over which the City of Cedar Park has legal control as set forth in [chapter 42 of Local Government Code](#).

Final plat. The map of a subdivision with appropriate recording, dedication, approval and acknowledgement notes to be recorded after approval by the Planning and Zoning Commission and any accompanying material as described in these regulations.

Flag lot. Lot configurations where the perimeter lot geometry reflects the shape of a ‘flag’ where the narrow or elongated part of the lot abuts a public or private street and widens at the building setback line to accommodate a buildable development site.

Frontage. That side of a lot abutting on a street or way. For lots that have two or more lot frontages, the lot frontage with the narrowest dimension is considered the front of the lot for purposes of building setback. (Also see definition for “double frontage lot”.)

Heritage tree. Any of the following:

- (1) Trees that have a 26 caliper inch trunk when measured at 4.5 feet abovegrade.
- (2) A multitrunk tree having a total trunk caliper inch adding to forty-five (45) inches or more (not counting trunks less than six (6) caliper inches).

Impervious cover. A surface that reduces the amount of penetration of water into the earth. (ex. structures, asphalt, concrete)

Increased pollutant load. The annual pollutant load minus the background pollutant load.

Industrial street. A collector street that serves as principal access to industrial development.

Jurisdictional area. This article shall be applied within the portion of the Lake Travis Watershed in Travis County located within the city’s extraterritorial jurisdiction and/or city limits.

Lake. The area within the normal conservation pool elevation of Lake Travis (681 foot contour).

Lake Travis Watershed. All land draining into Lake Travis. The Lake Travis Watershed in Travis County is depicted on Exhibit “A” to this article [attached to Ordinance CO42-07-07-12-3I], which is incorporated by reference herein.

Land user. Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Landowner. Any person holding title to or having an interest in land.

Large or significant development. A development that LCRA believes may have a direct water quality impact to an adjacent property owner or to an area.

LCRA. Lower Colorado River Authority.

Legal lot. Either a lot recorded in the official county records pursuant to and in compliance with the subdivision regulations in effect at the time of its creation, ~~or a tract of land having existed in its present configuration prior to December 9, 1974[.]~~

Local street. ~~A local street provides access within a neighborhood. Local streets form the framework and compose the majority of streets within a district and shape the identity and character of a neighborhood. A street whose primary function is to provide access to abutting single-family homes and to provide right-of-way beneath it for sewer, water, and storm drainage facilities.~~

~~Major residential subdivisions. Subdivisions with fifty (50) or more proposed dwelling units.~~

Master plan. Document submitted as a portion of the NPS permit application which describes development intended to be conducted in phases. Submittal and approval of a master plan shall occur prior to approval of a city NPS pollution control permit. Applications submitted for projects that are intended to be developed in phases shall be approved in a two step process. Upon approval of the master plan, the applicant shall complete the permit application for the first phase and each subsequent phase of the project.

~~Minor residential subdivisions. Subdivisions with fewer than fifty (50) proposed dwelling units.~~

Multifamily development. Any building that contains three (3) or more attached units designed for residential use

(e.g. apartments, town homes, etc.).

Nonpoint source (NPS) pollution. Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric deposition, or percolation.

NPS best management practice (BMP) maintenance permit. A permit for the maintenance of best management practices (BMPs) or other NPS pollution control measures. This permit may be issued upon satisfactory completion of development and after issuance of a NPS pollution control permit. The NPS best management practice (BMP) maintenance permit may be issued to a person other than the original permit applicant if the person is the landowner or property owner's association, as applicable.

NPS development permit. A permit for development of land within the jurisdictional area specifically identifying best management practices for control of nonpoint source pollution resulting from development. Private land owners/land users that install utility infrastructures are also required to obtain a NPS development permit.

NPS pollution control permit. A permit issued by the city upon an approval of an applicant's permit application. The permit includes the approved NPS pollution controls (BMPs).

NPS pollution control technical manual. The manual developed by LCRA that explains various BMPs that, when implemented, should achieve the performance standards and other requirements set forth in this article.

NPS pollution controls. Those best management practices (BMPs), including but not limited to those described in LCRA's technical manual, that prevent or control nonpoint source pollution.

Parkland. The actual property on which the public park will be situated. It is also referred to as the property to be dedicated by the property owner to the city pursuant to city parkland dedication requirements.

Parkland contribution. The actual dedication of parkland property to the city by way of plat note, dedication shown on plat and general warranty deed.

Parkland improvements. Improvements to the city-owned parkland that allow the parkland to be utilized as public parks.

Permit amendment. A revision to an NPS pollution control permit issued by the LCRA after an application for such amendment has been received and reviewed, and the expansion, redevelopment, or modification plans have been found to be in compliance with this article and the technical manual. Permit amendment procedures are described in the technical manual.

Permittee. A landowner or land user who is undertaking land development activities pursuant to a permit granted according to the provisions of this article.

Person. Any individual, organization, trust, partnership, firm, association, public or private corporation, political subdivision, or any other legal entity.

Phased development. Development of land in excess of two hundred fifty (250) acres according to a master plan which occurs in stages and over an extended period of time.

Pollution. Alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Preliminary plan. A preliminary drawing or drawings, shall be any plat of any lot, tract or parcel of land that is not to be recorded of record, but is only a proposed division of land for review and study by the city and used by the applicant in development of final plat and construction plans for the property. Preliminary plans are to be submitted to the Planning Commission for approval.

Protected tree. Any of the following:

- (1) A tree having a trunk of eight (8) caliper inches or more, measured 4.5 feet above ground level;
- (2) A multitrunk tree having a total trunk caliper inch adding to thirty (30) inches or more (not counting trunks less than six (6) caliper inches); or
- (3) A cluster of trees within a ten (10) foot radius circle having total caliper inch of forty (40) inches or more (not counting trunks less than six (6) caliper inches).

Public parks. Large tracts of land usually with grass and trees improved for public use and recreation.

Public utility. A person or entity that owns or operates for compensation facilities or equipment for producing, generating, transmitting, selling or furnishing electricity, water, sewer service, cable or telephone services.

~~Public Works Department. Engineering and field operations departments of the city.~~

Rear yard. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Resubdivision. The division of an existing subdivision or of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Right-of-way. A strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Rural subdivision. A subdivision located in the ETJ, having lot sizes larger than two (2) acres.

Scoping meeting. Meeting in which to determine the project description (location, size, number and location of driveways), trip generation rates, trip distribution, study area, and any other relevant data that may impact the traffic study.

Sedimentation. Pollution resulting from the deposit of detached soil particles.

Side yard. A space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Single-family development. One- and two-family dwelling units.

Site. The entire area included in the legal description of the land on which development is proposed in the permit application.

Storm sewer system. Conveyance of stormwater through a manmade structure such as pipe, culvert, etc.

Street width. The shortest distance between the lines that delineate the right-of-way of a street.

Subdivider. The property owner or assign legally authorized to process a subdivision as described within this chapter.

Subdivision. Is the division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development whether immediate or future. Said term also includes the resubdivision of any lot, tract or parcel of land. Subdivision shall also include the development within the corporate limits of the city or within its extraterritorial jurisdiction.

~~Suburban subdivision. A subdivision within the city's ETJ utilizing wells and/or individual septic systems for each lot.~~

Thoroughfare. A minor or major arterial, more or less continuous across the city, which is intended to connect parts of the city or areas adjacent thereto and to act as a principal connecting street with state and federal highways.

Townhouse lot. Is a parcel of land designed to be developed with a townhouse defined as a single-family dwelling unit structure having a common wall with one (1) or more adjoining dwelling unit structures.

~~Tree Fund. An account where funds collected from civil penalties and mitigation fees shall be utilized to pay for the planting of trees or landscaping, to include maintenance of public trees or landscaping. Generated funds may be used by the city to plant trees or landscaping on city-owned properties or on non-city-owned property if approved by the City Council. Trees or landscaping planted with mitigation funds can be used to meet any municipal code requirements for preservation, mitigation, landscaping, buffers, streetscape or other requirements.~~

Ultimate residents. The number of residents projected to live in a subdivision at the time of completion.

Unnecessary hardship. An unfairly burdensome hardship that does not permit any reasonable use of the subject property and flows from a uniform application of the city's subdivision ordinance. It does not include property that cannot be used for its highest and best use, financial or economic hardship, self-created or self-imposed hardship or the development objectives of the property owner are or will be frustrated.

Urban subdivision. A subdivision within the city limits or the ETJ of the city that will utilize city utilities or other centralized water and wastewater system.

Variance. A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter.

(Ordinance CO42-07-07-12-31 adopted 7/12/07; Ordinance CO30-12-01-26-C1 adopted 1/26/12; Ordinance CO36-18-08-09-E2 adopted 8/9/18; Ordinance CO12-19-03-14-E1 adopted 3/14/19)

CHAPTER 14

SITE DEVELOPMENT

ARTICLE 14.01 APPLICABILITY

Sec. 14.01.002 General

Within the City corporate limits, the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with this Chapter except for the following:

- (1) Construction, alteration or addition to a single-family residential structure, or an accessory use to any such structure.
- (2) Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as the following apply:
 - (A) The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;
 - (B) The alteration, finish-out or change of use is in compliance with all Codes and regulations of the City; and
 - (C) The addition does not increase the degree of any existing noncompliance.
- (3) Construction of a fence not within the boundary of a major corridor, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct the flow of water.
- (4) Brush clearing in compliance with the landscape and tree regulations of the City.
- (5) Substantial restoration within a period of two (2) years of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind in accordance with [Chapter 11, Article 11.07](#).
- (6) A canopy or carport placed over existing parking spaces or other paved areas.
- (7) A rough grading permit may be issued by the Engineering Department after review by the Engineering Department (engineer) and the Development Services Department (Director of Development Services, or their designee).
- (8) Any other minor site activity similar to those listed above and approved by the Development ~~Service~~Services Department (Development Services Director).

(Ordinance CO12-19-03-14-E1 adopted 3/14/19)

ARTICLE 14.02 SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

ARTICLE 14.03 NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT*

Sec. 14.03.003 Site development permit required

Site development plans to be reviewed by the Development Services Committee will apply to all types of nonresidential applications and all applications for condominiums, ~~townhouses~~townhomes, amenity centers and multifamily residential prior to site development permit issuance. (Ordinance CO41-07-07-12-3H adopted 7/12/07)

All Site development plans shall comply with the regulations of this Chapter and:

- (1) Chapter 12 Subdivision Regulations;
- (2) Article 16.01 Adoption of City of Austin Transportation Manual;
- (3) Chapter 11 Zoning;

(4) Other applicable City regulations, codes or ordinances:

(5) Comprehensive plans or plan components:

Sec. 14.03.008 Site development permit issuance

Once all revisions have been made and there are no outstanding comments from the Development Services Committee, a final black-line set of the site development plans with the final changes shall be submitted ~~for the purpose of staff sign-off approval. Site development plans submitted under the standard development review submittal scheduled shall be acted upon by the Planning and Zoning Commission. Site development plans submitted under the alternative development review submittal schedule may be approved administratively. This black-line set will be given back to the applicant when all reviewers of the Development Services Committee have signed the set.~~ Once the black-line set is ~~picked up~~ approved, ~~six-three (3)~~ complete sets of drawings will then need to be copied from the signed black-line set and brought back to City Hall and uploaded online. Upon receipt by the City where the applicant will then be issued the site development permit will be issued. The original black-line set is to be kept by the applicant for distribution to contractors, subcontractors, etc. The City's construction inspectors will perform periodic field inspections to make sure that the approved site development plan set is being utilized for construction. (Ordinance CO36-18-08-09-E2 adopted 8/9/18)

ARTICLE 14.04 NONRESIDENTIAL AND MULTIFAMILY SITE DEVELOPMENT REQUIREMENTS

Sec. 14.04.001 Approval requirements

- (a) The applicant shall comply with all applicable requirements and regulations.
- (b) Site development plans may not be approved on unplatted property except if the unplatted property meets the definition of a legal lot.
- (c) All improvements shown on an approved set of site development plans must be completed prior to issuance of the certificate of occupancy.
- (d) If site development is proposed to be constructed in phases, the applicant shall clearly identify all phases on the site plan and all other applicable materials that accompany site plan. A certificate of occupancy may be granted for a partial development if the partial development is consistent with the phasing shown on an approved site plan.
- (e) The site development plans must conform to any recorded plat or filed master plan or master preliminary plan for that same property or subdivision of which it is a part.
- (f) Fees for site development applications shall be as set by the City Council by separate resolution hereto. Said resolution is incorporated herein by reference as though reproduced herein verbatim. Fees are due and payable at time of application and are nonrefundable.
- (g) Any person or persons seeking to appeal findings of noncompliance by the Development Services Director and/or the Development Services Committee may be made to the Planning and Zoning Commission. Application for appeal shall be made in writing with the Development Services Department no less than thirty (30) working days after the date the Development Services Committee sends comments to the applicant regarding his/her site.

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

- (h) All residential developments requiring a site development permit shall pay ~~any required fee~~ the fee in lieu of parkland dedication and park improvements fees per sections 12.20.005 and 12.20.006 of the Subdivision Ordinance prior to issuance of the site development permit. The property owner at the time of the issuance of a site development permit shall be the party responsible for the payment of the fee regardless of who subdivided the property. (Ordinance CO34-18-07-12-E1 adopted 7/12/18)

ARTICLE 14.05 ACCESS AND OFF-STREET PARKING

Sec. 14.05.003 Compliance

- (a) Compliance with ordinances, regulations and plans. Any person seeking access to lands abutting the public street right-of-way shall comply with the regulations of this Chapter and:
 - (1) The City's subdivision ordinance;
 - (2) The City's transportation ordinance;
 - (3) The City's zoning ordinance;
 - (4) Other applicable City regulations, codes or ordinances;
 - (5) Comprehensive plans or plan components;
 - (6) Transportation criteria manual;
 - (7) State manual of uniform traffic-control devices.
- (b) Downtown district. See the downtown district urban code for additional requirements.
- (c) Sidewalk requirement. Any site plan requiring a full review by the Development Services Committee will require the design and construction of typical concrete sidewalks in accordance with the Transportation Criteria Manual and the transportation master plan on all existing and proposed streets adjacent to or included in the proposed site plan.
- (d) Major corridor sidewalk requirement.
 - (1) All development along roadways designated as major corridors shall dedicate a 25 foot wide Landscape and Pedestrian Easement and have a six-foot concrete sidewalk installed parallel to the designated roadway (unless sidewalks already exist);
 - (2) Sidewalks shall be coordinated with landscape design to provide substantial landscaping on both sides of the sidewalk. Pedestrian connections shall be provided at street crossings as well as to businesses within the corridor development;
 - (3) Sidewalks shall be set back a minimum of five (5) feet from the right-of-way and from parking areas;
 - (4) Sidewalks shall meander within the twenty-five-foot front building setback and landscape buffer in a manner that will create a desirable pedestrian environment. Exceptions to this requirement are as follows:
 - (A) On roadways maintained by the state department of transportation, sidewalks may encroach into the right-of-way with written approval from TxDOT and the Director of Engineering; or
 - (B) On roadways maintained by the City, sidewalks may encroach into the right-of-way with approval from the Director of Engineering and the Director of Development Services, but shall be set back from the back of curb a minimum of five (5) feet and shall be required to enter into a license agreement with the City that shall require the landowner to maintain and pay for any landscaping, sidewalks, landscape lighting, irrigation and electric meters for irrigation within the right-of-way.

Sec. 14.05.004 Access standards

- (a) General principles. In addition to the regulations below, development shall also comply with section 12.12.015(c)(1) of the Subdivision Chapter, as amended.
 - (1) Parking areas shall be designed in accordance with Chapter 16 Transportation Regulations the Transportation Criteria Manual (TCM).
 - (2) Access to TxDOT roadways shall also comply with all TxDOT standards. TxDOT standards may exceed City standards.
 - (3) A commercial site contiguous with another commercial site shall provide parking-drive aisle connections to the boundary of the site for connection to such contiguous commercial site and shall provide an access easement to that site boundary from a public street unless such connection is inappropriate because of one or more of the following constraints: topographic constraints, environmental constraints, and/or adjacent uses that are incompatible for the purposes of mixing traffic, at which time the director of planning or his/her designee may, after considering all relevant factors, exempt the development from this requirement.
 - (4) Prior to the issuance of a building permit, any developer who proposes a street, driveway or pedestrian pathway that includes an at-grade rail crossing shall provide the City with written approval from Capital Metro stating that the at-grade rail crossing improvements were designed and installed with adequate supplemental

safety measures as required by the Federal Railroad Administration to establish a quiet zone.

(5) Dead-end parking aisles/modules restricted.

(A) Circulation for each row of parking spaces within nonresidential parking lots shall provide at least two points of ingress or egress so as to prevent the creation of dead-end parking aisles or modules.

(B) The Director of Development Services or his/her designee may exempt the development from this requirement if the Director of Development Services or his/her designee finds that:

(i) There are special conditions unique to the property, such as lot size, shape, orientation, topography, or other physical features that are not generally characteristic of other properties in the area; and

(ii) The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial.

In granting the exemption, the Director of Development Services or his/her designee may impose such additional conditions if necessary and desirable in the public interest.

(b) Driveway types. Development shall comply with [section 12.12.015\(c\)\(2\)](#) of the Subdivision Chapter.

(c) Driveway design. Development shall comply with [section 12.12.015\(c\)\(3\)](#) of the Subdivision Chapter.

Sec. 14.05.005 Parking and circulation

(a) General principles.

(1) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development. The minimum parking requirements herein specified are considered minimum requirements and should be exceeded where usage, experience or design information makes such increase appropriate.

(2) Required off-street parking areas shall not be used for the commercial sale, repair, dismantling, servicing, storage or display of vehicles, equipment, materials, supplies or merchandise.

(3) Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.

(4) All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. The maneuvering area thereto shall be located entirely upon private property.

(5) All off-street parking spaces, accompanying maneuvering areas and driveways specifically designed for licensed vehicles shall be asphalt or concrete. The asphalt or concrete surface shall be designed in accordance with the Transportation Criteria Manual.

(6) All off-street parking areas shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading, parking and storage of vehicles in accordance with stormwater, detention and water quality requirements.

(7) No requirement set forth in this Chapter shall be construed to prevent collective utilization of any off-street parking facility for two (2) or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the particular individual uses computed separately in accordance with the applicable regulations for off-street parking spaces.

(8) All required off-street parking spaces shall be located entirely on the same lot as the principal structure.

(9) Compact spaces. A maximum of ten (10) percent of the required number of parking spaces may be a compact size, measuring eight (8) feet in width and sixteen (16) feet in depth. Such compact parking spaces shall be located in groups of at least five (5) spaces per group, shall not be located adjacent to a designated fire lane, and shall be conspicuously identified by black painted curbs with white lettering labeling each space as "compact." Compact parking spaces may only be proposed for sites requiring a minimum of 50 parking spaces.

(10) All parking spaces abutting a wall or vertical structure that obstructs vehicle overhang shall increase the length of those spaces by one and one-half feet (1.5') to accommodate the overhang area lost.

(4011) Major corridor parking requirements. The following standards apply to all roadways identified as major corridors.

(A) Parking locations. Parking is prohibited within the required twenty-five-foot setback from the designated roadway.

(b) Parking area design. All parking facilities shall be designed and constructed as prescribed in the TCM:

PARKING LOT CRITERIA							
A	B	C	D		E	F	
Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90° to Aisle	Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
			One Way	Two Way		One Way	Two Way
Standard Parking Spaces							
30	8.5	16.9	12.5	28	17.0	47	62
30	9.0	17.3	12.5	26	18.0	47	61
30	9.5	17.8	12.5	25	19.0	48	61
30	10.0	18.3	12.5	25	20.0	49	62
45	8.5	17.5	13.0	28	12.0	48	63
45	9.0	17.5	12.5	26	12.7	48	61
45	9.5	17.5	12.5	25	13.4	48	60
45	10.0	17.5	12.5	25	14.1	48	60
60	8.5	19.0	18.0	-	9.8	56	-
60	9.0	19.0	16.0	-	10.4	54	-
60	9.5	19.0	15.0	-	11.0	53	-
60	10.0	19.0	15.0	-	11.6	53	-
75	8.5	19.5	25.0	-	8.8	64	-
75	9.0	19.5	23.0	-	9.3	62	-
75	9.5	19.5	22.0	-	9.8	61	-
75	10.0	19.5	22.0	-	10.3	61	-
90	8.5	18.5	-	28	8.5	-	65

90	9.0	18.5	-	26	9.0	-	63
90	9.5	18.5	-	25	9.5	-	62
90	10.0	18.5	-	25	10.0	-	62
Compact Parking							
30	7.5	14.0	12.5	18.0	15.0	41	46
45	7.5	15.9	13.0	18.0	10.6	45	50
60	7.5	16.7	18.0	-	8.7	52	-
75	7.5	16.4	18.0	-	7.8	51	-
90	8	16	-	18.0	8	-	48
Parallel Parking Spaces							
0	8.5	8.5 (Width)	12.5	25	22.0 (Length)	30	42

(Ordinance CO41-07-07-12-3H adopted 7/12/07; Ordinance CO36-18-08-09-E2 adopted 8/9/18)

(c) Queuing and vehicle stacking areas.

- (1) Queue spaces or queuing areas may not interfere with required parking spaces, parking aisles, loading areas, internal circulation or driveway access.
- (2) Each queue space shall consist of a rectangular area not less than ten (10) feet wide and eighteen-and-a-half (18-1/2) feet long. Queue spaces are not interchangeable with parking spaces unless specifically provided for in this chapter.
- (3) A minimum twelve-foot bypass shall be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.
- (4) Although drive-through activities are not required to be completely separated from other activities on site, the queuing areas should be designed to enable the driver to readily identify and distinguish queuing areas from other activities on site. It is strongly recommended to locate queue line and service areas towards remote areas of a site to avoid conflicts with parking and circulation areas. Queue areas and drive-through activities shall be clearly identified with appropriate signage and marking.
- (5) Spaces within an automobile washing facility ~~or drive through lubrication service~~ may be counted toward the queuing requirement.

(d) Off-street stacking spaces shall be provided as indicated in the following table.

Minimum Off-Street Stacking Spaces

Activity Type

Minimum Spaces

Measured From

Bank teller lane

43

Teller or window

Automated teller machine	3	Teller
Restaurant drive-through	6 10	<u>With a minimum 6 spaces from the Order box</u>
Restaurant drive-through	4	Order box to pick-up window
Auto service facility stalls; vehicle repair and body shop stalls	2 1	Entrance to stall
Car wash stall, tunnel-automatic	46	Entrance to wash bay tunnel
Car wash stall, self service	3 1	Entrance to wash bay
Gasoline pump island	2 1	Pump island
Other	Determined by the development services committee	

- (e) Striping and marking. All striping for parking stalls shall be a minimum of four (4) inches wide of white safety traffic paint designated for such use. All other markings required to designate crosswalks, directional arrows, fire lanes, ADA accessible spaces, or service areas shall be in compliance with the state manual of uniform traffic-control devices and/or the International Fire Code.
- (f) ADA accessible parking and access. All ADA accessible parking spaces and access shall be in accordance with the state accessibility standards.
- (g) End islands (terminal islands). ~~Raised End~~ islands shall be required at the end of each parking row. See the TCM for design requirements. See also [section 14.07.006\(b\)\(5\)](#).
- (h) Traffic-control signs. All traffic-control signs required for the site shall meet the standards established in the state manual on uniform traffic-control devices.
- (i) Off-site parking. All parking spaces required by this chapter shall be located on the same property as the structure they serve, except where an enlargement or change in use increases the required number of spaces. In such cases, off-site parking may be allowed and must conform to the following standards:
- (1) The off-site parking area must be on adjacent property to the property served or within one hundred (100) feet of the structure they serve if not located on the property adjacent to the site.
 - (2) Access to off-site parking shall not interfere with the normal movement of traffic along adjacent arterials or collectors, as specified in the transportation master plan, nor as to endanger pedestrians moving between the parking area and the structure served. Off-site parking is not allowed in any area that would require a pedestrian to cross an arterial or collector street.
 - (3) To discourage the use of thoroughfares by circulating vehicles, provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems.
 - (4) The off-site parking area shall remain in use as long as the parking requirement exists or until such time that adequate on-site parking is provided.
 - (5) In any case where required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, filed with Williamson and/or Travis County and submitted with the application for site plan approval.
 - (6) Not more than fifty (50) percent of the off-street parking spaces required for theaters, bowling alleys, night clubs, restaurants or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours; provided, however that a written agreement thereto is properly drawn and executed by the parties concerned, approved as to form by the city attorney, filed with Williamson and/or Travis County and submitted with the application for site plan approval.

(7) Not more than eighty (80) percent of the off-street parking spaces required for a church, school auditorium or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours; provided, however that a written agreement thereto is properly drawn and executed by the parties concerned, approved as to form by the City Attorney filed with Williamson and/or Travis County and submitted with the application for site plan approval.

(j) Amount of parking required.

(1) Rules for computing the parking requirement.

(A) Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole number.

(B) If a use not specifically listed in the off-street parking table, the development services committee shall have the authority to apply the off-street parking standard specified for the list use that is deemed most similar to the proposed use or require a parking study.

(C) A parking ~~analysis table~~ shall be required for each development and shall be a part of the site development submittal. It shall include the number of employees, number of parking spaces provided, number of spaces required with proper calculations, square footage of each structure and the use of each structure. ~~When deemed necessary, by the development services committee, an additional traffic impact analysis may be required to determine the impacts of a development on the off-site public street system. See chapter 16, transportation regulations for traffic impact analysis (TIA) requirements.~~

(Ordinance CO41-07-07-12-3H adopted 7/12/07)

(2) Minimum parking requirements.

Residential	
Single-family dwelling <u>Dwelling, single-family</u>	2 off-street per dwelling unit, having a width of no less than 10 ft. and a depth no less than 20 ft.
Apartments	<u>1 per unit for efficiency</u> 1-1/2 <u>1.5</u> for the first bedroom plus 1/2 <u>.5</u> parking space for each additional bedroom
Condominium	1-1/2 for the first bedroom plus 1/2 parking space for each additional bedroom, having a width of no less than 10 ft. and a depth no less than 20 ft., guest parking shall be provided at a ratio of 20 percent of the total number of units.
Townhouse <u>Townhome</u>	2 off-street per dwelling unit, having a width of no less than 10 ft. and a depth no less than 20 ft., guest parking shall be provided at a ratio of 20 percent of the total number of units.
Amenity center	1.5 per 250-200 square feet of gross floor area <u>including outdoor facilities (pool, seating areas, in addition sport courts area)</u>
<u>Community Home</u>	<u>1 per 4 beds, plus 1 per each day staff member</u>
Hotel or motel	1 per guest room, 1 for every 400 sf. of public meeting space

(Ordinance CO36-18-08-09-E2 adopted 8/9/18)

Institutional and Special Uses	
Church or place of worship <u>Place of</u>	<u>1 per 4 seats of capacity in the main assembly area or 1 per</u>

<u>public assembly</u>	<u>100 sf. gfa</u> 1 space per 100 sf. for sanctuary + school, etc.
College, or university <u>or vocational school</u>	1 per faculty and staff, plus 1 per every 5 residents-students & 1 per every 5 commuter students
Public community, health, or welfare center <u>Civic Club</u>	<u>1 per 250 sf. of gfa</u> <u>1 per 4 seats of capacity in the main assembly area or 1 per 100 sf. gfa</u>
Day camp, kindergarten, or child-care facility <u>Daycare Center</u> (public or private)	1 per 6 pupils, plus 1 per 2 staff members
Fraternity or sorority house	<u>1 per residence, plus 1 for every 2 additional active members</u>
Hospital, extended care facility, intermediate care facility, long term care facility <u>Hospital Services</u>	2 for each bed, plus 1 for each 2 employees on the largest shift at full design capacity.
Ambulance service <u>Non-Emergency Transport Service</u>	2 for each ambulance vehicle
Doctors', nurses' & allied health staff quarters	<u>1 per unit</u>
Medical educational institution	<u>1 per each faculty member, plus 1 for each 3 students</u>
Institution, religious, charitable, or philanthropic organization	<u>1 per 200 sf. of gfa</u>
Trade schools	<u>1 per 200 sf. of gfa</u>
Nursing or convalescent homes	<u>1 per 5 beds, plus 1 for each day staff member</u>
Assisted Living, Congregate or Respite Care <u>Institutional home for the elderly</u>	1 per 5-4 <u>residence units</u> beds , plus 1 per each day staff member
Residence home for the elderly	<u>1 per dwelling unit</u>
Place of public assembly	<u>1 per 50 sf. of gfa</u>
School, elementary <u>or middle</u>	1 space per 300 sf. classroom and office
School, middle	<u>1 space per 300 sf. classroom and office</u>
School, high	1 space per 200 sf. classroom and office
<u>Hotel</u>	<u>1 per guest room, 1 for every 400 sf. of public meeting space</u>
Lodge or fraternal organization	<u>1 per 100 sf. of gfa</u>

(Ordinance CO41-07-07-12-3H adopted 7/12/07)

Food and Beverage Services	
Drive-in, fast food, or take-out (service to auto) Restaurant, Dine-in, Drive-in, Drive through or take out	1 per 100 sf. of gfa
General restaurant or cafeteria	1 per 100 sf. of gfa
Take-out only	1 per 100 sf. of gfa
Mobile food establishment court	3 per mobile food establishment plus 1 per 100 sf. of seating area

(Ordinance CO41-07-07-12-3H adopted 7/12/07; Ordinance CO04-14-11-20-C2 adopted 11/20/14; CO25-15-05-07-C2 adopted 5/7/15)

Office, Professional, or Financial Uses	
Bank or savings and loan office	1 per 300 sf. of gfa
Medical Clinic or doctor's office	1 per 200 sf. of gfa
General office	1 per 300 sf. of gfa
Dance, drama, or music studio	1 per 200 sf. of gfa
Personal Service and Retail Uses	
Personal service establishments	1 per 200 sf. of gfa
Retails stores/ shops in buildings	1 per 250 sf. of gfa
Shopping centers	1 per 200 sf. of gfa
Outdoor retail sales	1 per 400 sf. of site area
Recreation, Social, and Entertainment Uses	
Indoor Commercial amusements	1 per 100 sf. of enclosed gfa
Bowling alley	6-4 per lane
Indoor Arena or Theater	1 per 5-4 seats <u>plus 1 per employee</u>
Night club	1 per 100 sf. of gfa up to 2,000 sf., then 1 per 50 sf. of gfa.
Pool hall	1 space per 125 sf.
<u>Indoor Sport Courts, tennis/racquetball, volleyball,</u>	<u>3 spaces per court +1 space per 4 persons at design capacity</u>

<u>basketball or handball courts,</u>	
Outdoor Uses	
Stadium	0.2 space per seat + restaurant, etc.
Team sports (volleyball, baseball, soccer, etc.)	9 per field or court
Driving Ranges	0.5 1 space per tee
Golf Course	4 spaces per green, <u>+ 1 per 150 sf. of indoor facilities</u>
Court (tennis, racquetball, etc.)	2 per court
Amusement Park	1 per 500-3 <u>persons at design capacity</u> sf. of public area
Mini-golf	+1.5 space per hole + arcade, etc <u>1 per 200 sf of gfa</u>
<u>Archery Range/Paintball Course</u>	<u>1 per 200 sf of gfa, + 1 space per tee/target</u>
<u>Outdoor Commercial Amusement</u>	<u>1 per 200 sf of gfa + 1 space per 4 persons design capacity of outdoor facilities; 9 spaces per sports field or court</u>
<u>Outdoor recreation (athletic fields/facilities</u>	<u>1 per 4 seats of design capacity + 9 per field or court</u>
<u>Outdoor arenas, stadium or amphitheater</u>	<u>1 per 4 seats of design capacity</u>
Motor Vehicle and Machinery Uses	
Carwash	1 per 500-200 sf. of gfa
Automobile sales	1 per 400 sf. enclosed space, 1 per 2,000 sf. outside display area
Auto <u>mobile repair major and minor repair, garage, or shop</u>	1 per 200 sf. of gfa
Machinery sales, repair – indoor	1 per 500 sf. of gfa
Machinery sales, repair – outdoor	1 per 2,000 sf. of gfa
Storage, Wholesale, and Manufacturing Uses	
Brick or lumber yard <u>Lumberyard, wholesale</u>	1 per 2,000 sf. of site area
Storage of sand, gravel, petroleum products, etc – outdoor <u>Outdoor</u>	1 per 2,000 sf. of site area

<u>storage/sales or display (primary use)</u>	
Wholesale or manufacturing operation <u>Manufacturing and fabrication</u>	1 per 1,000 sf. of gfa or + 1 per each 2 employees on the larger shift
<u>Office/Showroom/Warehouse</u> Warehouse and enclosed storage	1 per 600 <u>400</u> sf. of gfa
Mini-Self-storage complex <u>facility</u>	1 per 30 sf. of office area <u>50 storage units. + 5 spaces for customers, if renting trucks/trailers include + 1 space for each vehicle/trailer</u>
<u>Warehouse and distribution</u>	<u>1 per 2,000 sf. of gfa</u>

Sec. 14.05.006 Loading and unloading areas

(a) Location.

- (1) Loading and unloading areas shall be located so as not to restrict or interfere with the normal movement of pedestrians and vehicles along streets, sidewalks or in parking areas. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- (2) Areas designated for the loading and unloading of people shall be physically separate from areas designated for loading and unloading of freight or goods not carried by people embarking/disembarking from a vehicle. Such physical separation will preclude use of a loading/unloading area by the other activity.

(b) Screening. Loading zones shall be buffered from street view and from adjacent properties to the extent feasible as determined by the Development Services Committee. See section 14.07.006(b)(5)(A) and 11.03.154(B)(1)(g) for screening requirements.

(c) Off-street loading requirements.

- (1) Any use that receives or distributes materials or merchandise by vehicle shall provide off-street loading spaces in accordance with the following requirements:

- (A) Industrial districts. Use one (1) loading space for each ten thousand (10,000) square feet of floor area.
- (B) Office and commercial districts. Use one (1) loading space for each five thousand (5,000) square feet of floor area for the first fifteen thousand (15,000) square feet of floor area.

- (2) The following rules shall apply when computing the number of off-street loading spaces:

- (A) Floor area shall mean the gross floor area of the use.
- (B) Fractional spaces shall be rounded to the next highest whole space.
- (C) Whenever a building or use, existing on the effective date of this article, is enlarged by more than fifty (50) percent in floor area or area use, the entire building or use shall then and thereafter comply with the off-street loading requirements.

- (3) The required off-street loading spaces shall be located on the same lot as the building or use reserved.

- (4) Each off-street loading space shall consist of a rectangular area not less than twelve (12) feet wide and forty-five (45) feet long. All off-street loading spaces shall be paved.

(d) Public/private school and child-care facilities. Child-care centers and other child-care facilities shall be required to provide on-site loading/unloading area, separate from the parking area and as close to the main entrance as possible. The loading/unloading area shall have one-way movement.

(e) Solid waste disposal. See section 14.07.009 and Section 11.03.154(B)(1)(g) for screening requirements.

(Ordinance CO41-07-12-3H adopted 7/12/07)

ARTICLE 14.07 TREE & LANDSCAPE REQUIREMENTS

Sec. 14.07.006 Nonresidential, town-home, and multifamily landscape requirements

(a) Site development review.

- (1) For all developments for which a landscape plan is required separately or as part of the site development permit application, a grading and tree protection plan shall be submitted with the site development plans. The plan shall be prepared so as to maximize, as much as is practicable, the number of existing trees eight (8) caliper inches and larger on the site that will be retained with the development.
- (2) The landscape plan shall include the following information:
 - (A) The date, scale, north point, title and name of owner;
 - (B) The location of existing boundary lines and dimensions of the tract;
 - (C) The approximate centerline of existing watercourses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed easements on or adjacent to the lot, existing and proposed parking spaces, or other vehicular areas, access aisles, drives, and existing and proposed sidewalks adjacent to the street;
 - (D) The location and species of each existing tree having a trunk six-inches caliper or larger and the approximate size of their crowns; reference [section 12.12.022](#) for tree preservation and mitigation requirements;
 - (E) The location and names of existing vegetation to be preserved;
 - (F) An indication of how the applicant plans to protect the existing trees and vegetation, which are proposed to be retained, from damage during construction;
 - (G) The location, size, and type (tree or shrub, ground cover, or grass) of proposed landscaping, together with a plant listing that includes the common and botanical name, quantity, size and spacing of all proposed landscaping material at time of planting;
 - (H) Planting and installation details in accordance with sound horticultural practices;
 - (I) The proposed irrigation system as required by this Article;
 - (J) The proposed lighting plan for the entire area of the site plan;
 - (K) A tabulation clearly displaying the relevant statistical information necessary for the Director of Development Services, or their designee to evaluate compliance with the provisions of this Chapter. This includes gross acreage, square foot area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and similar other information to ensure conformance with all required standards;
 - (L) Existing and proposed grades;
 - (M) Plan view of existing and proposed water quality of detention controls;
 - (N) Limit of construction line encompassing all areas of natural vegetation of the site which are to be left undisturbed;
 - (O) A survey of all trees six (6) caliper inches and larger (measured four-and-one-half (4-1/2) feet above ground level). Trees are to be represented by circles using the formula of one foot of radius for every one (1) inch of trunk diameter. (This also defines the critical root zone - CRZ.) Unbroken circles indicate trees which are to remain. Dashed circles indicate trees proposed for removal. Include type and general condition of all protected trees within the subdivision (or off site in the area of proposed off-site improvements, if any);
 - (P) Identification of temporary measures to protect existing trees that are to remain, including any protected trees, during construction;
 - (Q) Identification of permanent controls, practices or design features to assure long term maintenance of the existing trees and landscape;
 - (R) The location, quantity, size, common name, and scientific name of proposed landscaping in proposed landscaped areas;

- (S) The location, quantity, size, common name, and scientific name of existing trees;
- (T) The location of the proposed irrigation system or hose connections; and
- (U) Information necessary for verifying whether the minimum required landscaping requirements have been met.

(3) An architect, landscape architect, engineer, certified landscape professional, licensed surveyor, or licensed nurseryman shall certify that the plans satisfy the requirements of this Article, provided, however, that for a common development or project greater than two (2) acres in size, such plans and certification shall be made by an landscape architect.

(4) The Director of Development Services, or their designee shall require a certificate of compliance from an architect, landscape architect, or certified nurseryman that the site complies in full with the landscape requirements set forth on the approved site plan, before issuance of a certificate of occupancy and permanent utility service. The Director of Development Services, or their designee may inspect each site in conjunction with final inspection to ensure compliance with this Article.

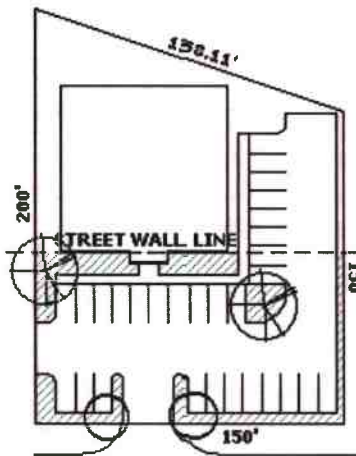
(b) Landscape requirements. For all nonresidential applications and all applications for town homes, amenity centers and multifamily residential projects in any district, the following minimum landscape requirements shall be provided:

(1) Fifty percent (50%) of the existing trees on site that are six-inch caliper or greater and are from species included in the preferred plant list or of equivalent value shall be retained and protected during development of the site.

(2) Based on special circumstances of the site such as physical characteristics or traffic issues, any request to retain less than fifty percent (50%) requires the approval of the Director of Development Services, or their designee. If the applicant is dissatisfied with the determination made by the Director of Development Services, then the applicant may appeal to the Planning and Zoning Commission. If the applicant is dissatisfied with the determination made by the Planning and Zoning Commission, the applicant may appeal to the City Council.

(3) Street yard requirements.

(A) On all lots, at least twenty percent (20%) of the area of the street yard shall be landscaped area.



(B) Major corridor. The street yard requirements for properties within the major corridor shall apply to the area located behind the required twenty-five-foot building setback line. The landscaped twenty-five-foot building setback area is included in the street yard calculations. Existing trees preserved within the twenty-five-foot landscaped area may count toward existing tree credits for any remaining street yard requirements outside the major corridor setback area.

(C) Self-storage facilities. Street yard requirements shall apply to the area between the required twenty-five-foot buffer area and the front building walls.

(D) For development without a building, (parking lots, etc.) the entire lot shall be considered the street yard.

(E) The required twenty percent (20%) of landscaped area in the street yard shall include buffer yards. Such area shall not include detention/retention facilities, except when the facilities are designed in a manner to qualify for one-half (1/2) credit toward the square footage requirement.

(F) To secure one-half (1/2) credit of square footage involved in any detention/retention facilities, such facilities shall be designed as an integral part of the landscape, including a slope no greater than 3:1, no concrete except at the outlet, and no requirement for or installation of barrier fencing.

(G) Detention/retention ponds shall be constructed so that, whenever possible, they do not require a fence. Whenever such a situation does require fencing, such fencing shall be black or green coated chainlink and shall be buffered from the street view by planting shrubs and vines that will, at maturity, screen at least sixty percent (60%) of the view of the fence.

(H) In required landscaped street yard areas less than 10,000 square feet, at least one (1) shade/canopy tree and three (3) shrubs shall be retained or planted within the street yard for every one thousand (1,000) square feet of required street yard. In required landscaped street yard areas containing between 10,000 and 110,000 square feet, (1) one shade/canopy tree for every required 2,500 square feet of landscaped area is required over the requirement of 10 trees and thirty (30) shrubs. In required landscaped street yard areas containing over 110,000 square feet, (1) one shade/canopy tree for every required five thousand (5,000) square feet of landscaped area is required over the requirement of fifty (50) trees and thirty (30) shrubs.

(4) Existing tree credits in the street yard.

(A) As credit toward the preservation of native hardwood trees, each square foot of landscaped area which is pervious and within the area encompassed by the dripline of an existing hardwood tree of at least two (2) caliper inches, measured four-and-one-half (4-1/2) feet from the ground, shall count as one-and-one-fourth (1-1/4) square feet of landscaped area for the purposes of satisfying the minimum requirements of this Chapter.

(i) Overlapping dripline area cannot be counted twice.

(ii) No credit will be given if more than one-half (1/2) of the dripline area is impervious.

(iii) No credit will be given where damaging grade changes within the dripline (of a tree) has occurred.

(B) All existing surveyed trees over two (2) caliper inches or tree cluster of at least four (4) one-inch caliper trees preserved within the street yard may satisfy tree requirements one for one (tree). All existing trees six (6) caliper inches or more measured four-and-one-half (4-1/2) feet from the ground shall count twice (double) toward satisfying these requirements. Credit shall not be given if more than 1/2 of the dripline area is impervious, where damaging grade changes within the dripline (of a tree) has occurred, or where damage to the tree before or during construction occurs that threatens the vitality of the tree.

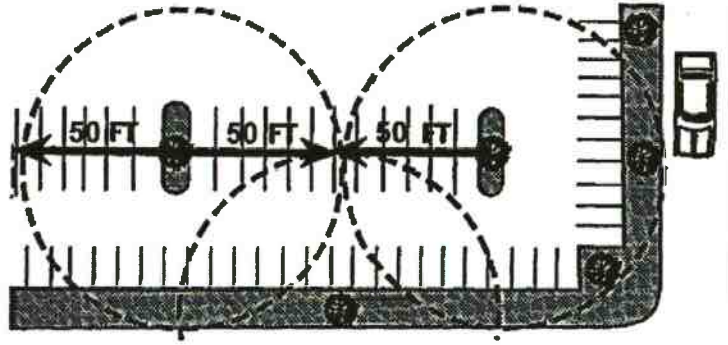
(5) Parking areas.

(A) Parking lots and all vehicular parking and maneuvering areas, including loading zones, unless specifically exempt below, shall be buffered from street view and adjacent properties and shall contain areas constructed, planted and maintained as landscaped islands, peninsulas, or medians.

(B) The minimum total area in landscaped islands, peninsulas and medians in the street yard shall be ninety (90) square feet for each twelve (12) parking spaces; in the area outside the street yard, the area shall be sixty (60) square feet.

(C) The area within landscaped islands, peninsulas and medians that are located in the street yard counts toward the twenty percent (20%) landscape requirement.

(D) No parking space shall be located further than fifty (50) feet from a permeable landscaped island, peninsula or median and a tree, except for parking lots that contain more than three (3) parking modules. They shall be located evenly through the parking areas, however the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.



(E) A planting median shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

(i) The planting median shall be a minimum of 15 feet wide and may include a sidewalk, where necessary for pedestrian circulation.

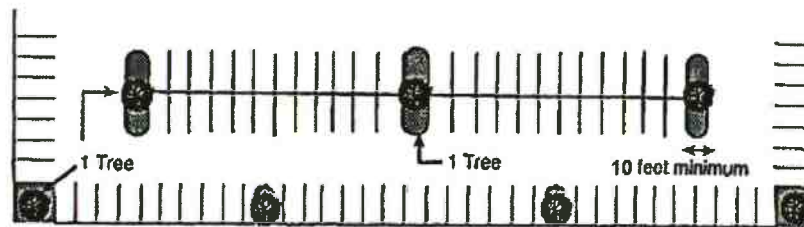
(ii) The planting median shall contain the following vegetation, at a minimum:

- a. One tree, planted 35 feet on center, in a continuous or staggered row.
- b. Ten shrubs for every tree required, planted in rows or clustered groups.

(iii) The planting median shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The breaks shall allow for ADA accessibility from one side of the planting median to the other and onto the sidewalk within the planting median if a sidewalk is located within the median.

(F) Landscaped terminal islands (raised end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles shown in the Transportation Criteria Manual to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways and provide space for landscaping.

(G) For each tree planted, the landscape island shall contain a minimum square footage of one (1) parking space (166.5 sq. ft.) of pervious area, be at least ten (10) feet wide and allow four (4) feet between the tree and parking space to allow for clearance of the vehicle or its door.



(H) Parking spaces shall be buffered from the street view. Parking spaces shall also be buffered and from adjacent properties by a minimum 5' wide planting area except where there is shared access and/or shared parking between such uses.

(i) Buffering consists of screening at least sixty percent (60%) of the view of parking areas by using plantings, berms and decorative walls.

(ii) Shrubs must be evergreen and a minimum of two (2) feet tall at time of planting, with predominately a mature height of three to four (3-4) feet.

(iii) Decorative walls shall not exceed three (3) feet in height. Walls and berms shall not predominate over the use of vegetative materials.

(iv) Plantings, fences, or walls shall be set back a minimum of three (3) feet from the curb or wheel stop to allow for the overhang of the vehicle; plantings shall have a minimum of three (3) feet for planting area.

(v) If a change in grade or elevation provides an equivalent level of screening for the parking lot as the vegetative screen, the buffering requirements shall be considered to be met.

(I) Loading zones shall be buffered from view and shall consist of hedge-like screening using plantings, berms and/or decorative walls. A vegetative screen planting area shall be at least five (5) feet wide. At least two different types of plant materials shall be used, shrubs must be evergreen with predominately a mature height of six (6) feet.

Loading and service zones located within the major corridor district shall be buffered from view by walls that match the building materials and colors. Screen walls shall be a minimum of eight (8) feet high. Berming used in conjunction with intensive landscaping may be considered to reduce the height of the screen wall.

(J) As an alternative to the credits provided in subsection (b)(4), the applicant may request a reduction in the number of parking spaces required by the City's parking regulations, in exchange for retaining and protecting existing trees on site. For every existing tree measuring eight caliper inches or greater, measured four-and-one-half (4-1/2) feet above the ground, that is retained and protected during development, the applicant shall be entitled to a five percent (5%) reduction in the number of parking spaces required.

(6) Landscape requirements for projects located within the major corridor district. (See [section 11.03.151](#) for a list of roadways.)

(A) A twenty-five-foot landscaped area is required from the right-of-way of the designated roadway along the entire frontage of the tract. Driveways, primary side walks, and bicycle paths are permitted within the landscaped area and are excluded from the area calculations of subsection (i) below. The following elements shall be incorporated into the landscaped area.

(i) Landscape plants shall be chosen from the preferred plant list, with at least ninety (90) percent live vegetative coverage. The remainder of the area may be impervious landscape.

(ii) All vigorous, existing 4-inch caliper or larger hardwood trees that stand within the 25' front setback area described above shall be retained and protected as a landscape buffer, save and except trees that lie within the area of the driveway. Preservation of significant understory vegetation (such as clusters of Possumhaw, Yaupon Holly and Texas Wild Plum) is encouraged and credited. All trees existing 4-inch caliper or larger hardwood trees that have to be removed for utility purposes shall be replaced by the utility removing the trees at a one-to-one ratio with minimum 3-inch caliper trees from the preferred plant list.

(iii) Existing hardwood trees that are preserved may count toward this requirement if they are two (2) caliper inches or greater.

(iv) Trees and shrubbery are required within landscaped area at a ratio of at least (1) one ~~two~~^{four}-inch caliper shade/canopy tree and (3) three five-gallon shrubs for every 1,000 square feet of land within the front building setback. Ornamental trees (15-gallon size or larger) are allowed to be substituted for every two 5-gallon shrubs. Ornamental trees may be substituted for up to fifty percent (50%) of the required canopy trees when there are issues of visibility. Five (5) shrubs may be substituted for one (1) ornamental tree.

(v) At least thirty percent (30%) of the required trees within the twenty-five-foot front building setback and landscape buffer shall be between the sidewalk and the designated street right-of-way. Flexibility to this requirement may be considered for the purpose of saving existing trees.

(vi) There shall be no gaps of greater than forty (40) feet between plantings.

(B) Drainage facilities may not exceed twenty-five percent (25%) of the twenty-five-foot landscaped area. Drainage facilities include all detention ponds, water quality ponds, outlet structures, berms, improved channels or other improvements associated with the drainage improvements. All detention ponds and water quality ponds within the twenty-five-foot landscaped area shall be designed as curvilinear, contoured shapes. Detention ponds and water quality ponds within the twenty-five-foot landscaped area shall be designed so as to not require fencing or concrete walls.

(7) Transitional buffering (buffer yards).

(A) Buffer yards are required along common property lines, which are not adjacent to a public street right-of-way and thus are not governed by the landscape street yard requirements. Certain types of land uses require more parking, storage of raw materials, and traffic than others, or are visually incompatible with land uses. Therefore, different levels of transitional buffers have been developed. Any given parcel may require different levels of transitional buffering depending on the ~~zoning designation~~^{Future Land Use}

Plan designation -of the adjacent properties.

(B) Where buffer or compatibility requirements are already required by nature of the use in the zoning ordinance, such as self-storage and industrial uses, the most restrictive standards shall apply.

(C) Only those properties, which are adjacent to properties with less ~~restrictive zoning or equivalent~~intense Future Land Use Plan designations-uses, are required to have transitional buffers as established in the table entitled “buffer yard requirement.”

(D) The trail buffer yard is considered a less restrictive use that triggers a buffer yard and is applicable to uses abutting the active railroad right-of-way and designated hike/bike trails.

(E) Common developments do not require transitional buffers internal to the site.

(8) Additional requirements for projects with three (3) or more dwelling units in one (1) building:

(A) A minimum landscaping area of twenty percent (20%) of the internal area of the site (site area excluding the buffers and street yard) is required. Plantings shall consist of a minimum of one (1) tree and three (3) five-gallon shrubs for every one thousand (1,000) square feet of the required minimum landscaping area to be planted or retained internal to the project, ninety percent (90%) to be chosen from the preferred plant list.

(B) Shade/canopy trees shall be a minimum of 3-inch caliper. Any ornamental trees planted shall be a minimum size of fifteen-gallon/container grown. Areas reserved for bedding shall be covered with a minimum of three (3) inches of shredded mulch, and all turf areas shall be fully sodded or established.

(9) Buffer yard requirements.

<u>Adjacent Zoning</u> <u>Adjacent Future Land Use Plan Designation</u> <u>District</u>	Developing Project's Use District<u>Future Land Use Plan Designation</u>			
	<u>Recreation Open Space (REC) and Low Density Residential (LDR)</u> <u>DR, ES, SR, SU</u>	<u>Medium or High Density Residential (MDR or HDR), Planning Area (PA) and Public/Semi-Public (PUB)</u> <u>UR, MF, NB</u>	<u>Local or Regional Office/Retail/Commercial (LOC or REG)</u> <u>PO, LB, GB, PS, MU</u>	<u>Heavy Commercial (HC)</u> <u>H, HC, LL, HH</u>
<u>DR, ES, SR, SU</u> <u>Recreation Open Space (REC) and Low Density Residential (LDR)</u>	buffer yard* none	buffer yard* 20'/fence	buffer yard* 20'/fence	buffer yard* 30'/fence
<u>UR, MF, NB</u> <u>Medium or High Density Residential (MDR or HDR), Planning Area (PA) and Public/Semi-Public (PUB)</u>	buffer yard* none	buffer yard* none	buffer yard* 20'/fence	buffer yard* 30'/fence
<u>PO, LB, GB, PS, MU</u> <u>Local or Regional Office/Retail/Commercial (LOC or REG)</u>	buffer yard* none	buffer yard* none	buffer yard* none	buffer yard* 20'/fence

H, HC, LI, HI Heavy Commercial (HC)	buffer yard* none	buffer yard* none	buffer yard* none	buffer yard* none
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* Refer to buffer yard descriptions below for full listing of requirements that apply.

The buffer yard requirements shall be the responsibility of the more intensive use. The first three levels of buffer yards shall consist of strips of landscaped open space according to the following standards:

(A) In level one, the minimum width requirement of the buffer yard shall be a minimum of thirty (30) feet.

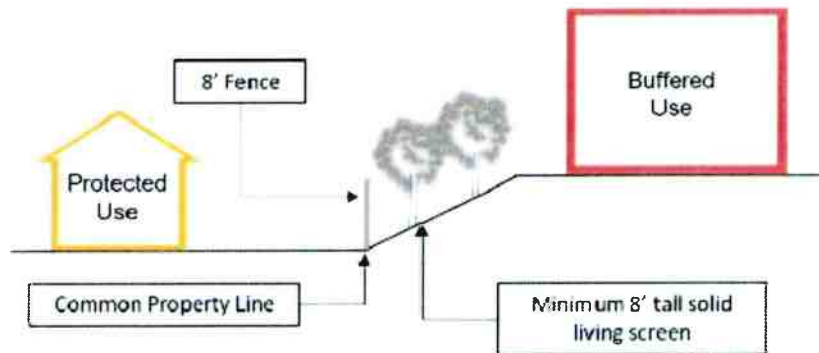
(i) This buffer yard is intended to be used for landscaping only. A semiopaque screen shall be installed within the buffer yard which consists of a vegetation screen or a combination of vegetation screen and berms. If fencing is required pursuant to this Code, it shall be eight (8) feet in height and shall be placed on the common property line.

(ii) No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, or alleyways shall be permitted within this buffer yard.

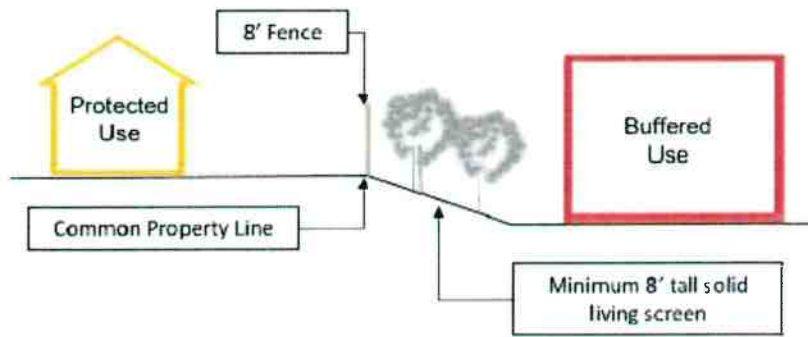
(iii) The following plantings are required in this buffer yard. Where similar vegetation already exists, such vegetation shall be credited toward this requirement, not to exceed a reduction in excess of one-half the requirements for new plantings:

One (1) 4-inch caliper canopy tree, three (3) 15-gallon evergreen ornamental trees, and four (4) 5-gallon shrubs with a mature height of six (6) feet for every thirty (30) linear feet of buffer yard. If the grade between the common property line and edge of the buffer yard exceeds three (3) feet, the planted canopy height shall be a minimum of eight (8) feet tall.

(iv) When a fence is required per the table of buffer yard requirements, the shrub planting requirement may be waived.



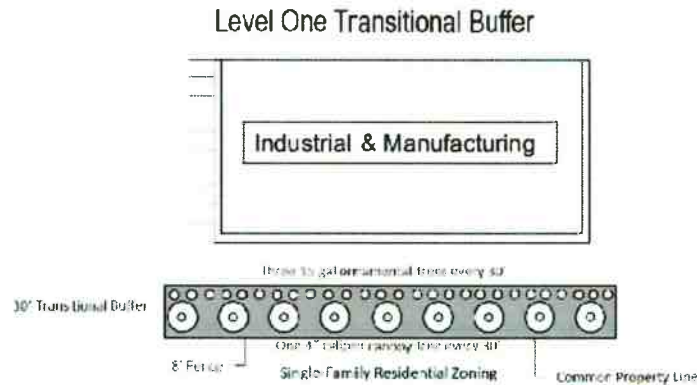
OR



(B) In level two, the minimum width requirement of a buffer yard shall be a minimum of twenty (20) feet.

(i) This buffer yard is intended to be used for landscaping only. A semiopaque screen shall be installed within the buffer yard which consists of a vegetation screen or a combination of vegetation screen and berms. A security or optional privacy fence may be located on the exterior edge of the

buffer yard only if the adjacent property triggering the buffer yard is also bounded by a privacy fence. Fencing is not encouraged unless noted in the table of buffer yard requirements. If fencing is required pursuant to this Code, it shall be eight (8) feet in height and placed on the common property line.

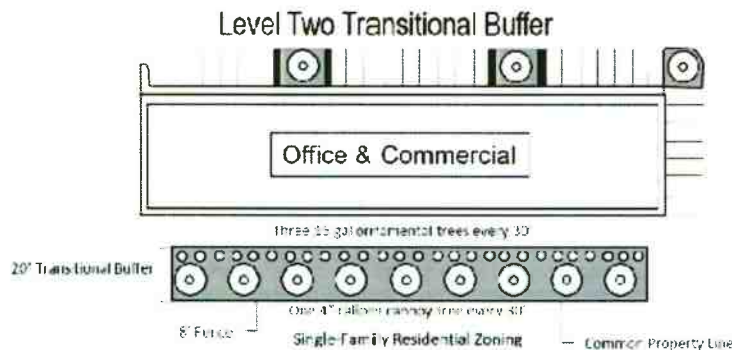


(ii) No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, or alleyways shall be permitted within this buffer yard.

(iii) The following plantings are required in this buffer yard. Where similar vegetation already exists, such vegetation shall be credited toward this requirement, not to exceed a reduction in excess of one-half (1/2) the requirements for new plantings:

One (1) 4"-caliper canopy tree, three (3) 15-gallon evergreen ornamental trees, and four (4) 5-gallon shrubs with a mature height of six (6) feet for every thirty (30) linear feet of buffer yard. If the grade between the common property line and edge of the buffer yard exceeds two (2) feet, the planted canopy height shall be a minimum of eight (8) feet tall.

(iv) When a fence is required per the table of buffer yard requirements, the shrub planting requirement may be waived.



(c) Subsection (b) landscape requirements, does not apply to the following:

- (1) Substantial restoration, which occurs within a period of twelve (12) months of an incident, that causes a building to be damaged by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind.
- (2) Interior or facade maintenance or remodeling as long as the front and side exterior walls of the building remain in the same location.
- (3) Carports, canopies, and freestanding covers supported by columns.

(Ordinance CO12-19-03-14-E1 adopted 3/14/19)

Sec. 14.07.009 Screening requirements—nonresidential only

(a) Screening requirements for outdoor storage, dumpsters and equipment.

(1) For areas containing outdoor storage, one (1) of the following shall be provided:

- (A) A privacy fence that is in conformance with the provisions specified in this Article; or

(B) A hedge-like screen of evergreen plant material capable of attaining a minimum height of six (6) feet at maturity, planted at equal intervals of four (4) feet on center and a minimum of two-and-one-half (2-1/2) feet in height at time of planting. A vegetative screen planting area shall be at least ten (10) feet wide. Existing vegetation may be used as screening, however, the area must contain the equivalent of one (1) canopy tree, two (2) ornamental trees and six (6) shrubs.

(2) For outdoor condensers, utility huts, and other building service equipment, such equipment shall be completely screened from view on all sides using a vegetative screen with at least two (2) varieties of plant material from the preferred plant list that, at maturity, is at least the height of the equipment to be screened.

(3) All refuse and/or recycling containers, shall be completely screened from public view and the view of adjoining properties.

(A) All containers shall be screened on three sides by walls other than wood, with the resilience of metal or concrete, not less than the height of the bin or container.

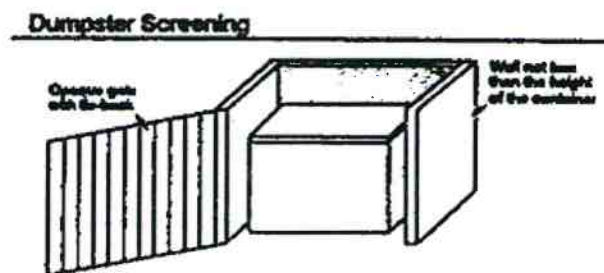
(B) An opening shall be situated so the container is not visible from adjacent properties, public streets, or visible to the public maneuvering on site, unless the opening is equipped with an opaque gate. Gates must have tiebacks to secure in open position and fasteners to keep them closed.

(C) Dumpster pads shall be placed on concrete six (6) inches in thickness, twelve (12) feet in width and ten (10) feet in depth. The dumpster pad for a metal side loaded container shall be nine (9) feet in width and six (6) feet in depth. A 300/90-gallon pad site shall be three (3) feet in width and three (3) feet in depth.

(D) Dumpsters must be located a minimum of fifty (50) feet from any single-family residential property line.

(E) Dumpsters located within the major corridor shall be located no closer to the designated roadway than the front wall of the principal structure.

(F) Dumpsters must be located a minimum of fifteen (15) feet from existing or proposed trees.



Sec. 14.07.011 Planting requirements--residential and nonresidential

All planting shall be designed to consider the level of expected maintenance, and provide a neat and clean appearance.

(1) All required plant materials shall be selected from the preferred plant list, [section 14.07.023](#). Other plant materials may be used if determined by the Director of Development Services, or their designee to be equivalent in quality, adaptability, and low-maintenance as those listed herein. Arizona ash, cottonwood, honeylocust, willows and photinias are among those discouraged and shall not be included as credit toward the landscaping requirements.

(2) Unless otherwise specified in this Article, at time of planting;

(A) All shade/canopy trees planted shall be a minimum of 3" caliper measured one (1) foot above finished grade[.]

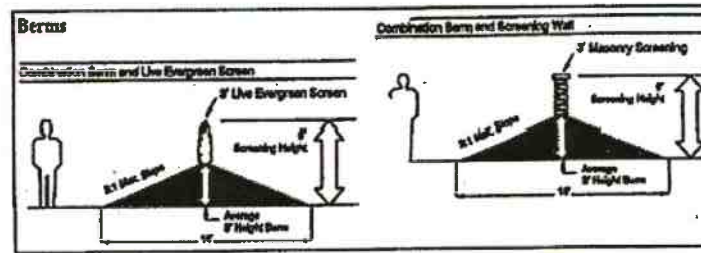
(B) All ornamental trees shall be a minimum of fifteen-gallon container grown nursery stock.

(C) All shrubs shall be a minimum of five-gallon container grown nursery stock.

(D) All vines and ground cover at time of planting shall be one-gallon container grown nursery stock.

Ground cover shall be planted at one-foot intervals in a checkerboard pattern to provide for quick coverage, discourage erosion and discourage weed growth.

- (3) For berms, the maximum side slope is 3:1 and shall be entirely vegetated with turf grass or ground cover within two (2) years after the date of planting. When using grass, solid sod shall be used at time of planting on areas subject to erosion.



- (4) All required landscape areas shall consist of at least fifty percent (50%) live plant material. Hardscape (nonliving landscape features) shall not predominate the use of living plant materials. All required landscape areas adjacent to pavement shall be protected with concrete curbs or equivalent barriers.
- (5) Requirements of tree types shall be as follows:
- (A) A minimum of seventy-five percent (75%) of all required trees shall be shade/canopy trees for all nonresidential properties.
- (B) A maximum of fifty percent (50%) of the required trees may be substituted by shrubs adjacent to retail storefronts where deemed necessary. Five (5) shrubs shall be substituted for each tree that is otherwise required.
- (C) All newly planted ornamental trees shall be planted so that they have a minimum pervious area extending a minimum of three (3) feet from the trunk in all directions. All newly planted shade/canopy trees shall have a minimum pervious cover area of four (4) feet in all directions.
- (6) When more than ten (10) trees are to be planted to meet the requirements of this Chapter for nonresidential properties, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

Required Number of Trees	Required Number of Species
11–20	2
21–30	3
31–40	4
41+	5

- (7) Trees shall not be placed in easements, where they interfere with site drainage or streetlights, or where they will require frequent pruning to avoid interference with overhead power lines.

(A) Trees shall be planted at least four (4) feet from edge of driveways.

(B) Trees shall be planted at least four (4) feet from underground utilities and twenty (20) feet from overhead lines.

(C) Trees shall be planted at least five (5) feet from fire hydrants.

(D) Trees shall be planted a minimum of three (3) feet from the back of the curb.

(8) Credit for existing trees for nonresidential properties. To encourage the preservation of existing hardwood trees which will impact the site, all existing surveyed trees over two (2) caliper inches or tree cluster of at least four (4) one-inch caliper trees preserved may satisfy tree requirements one for one (tree). All existing trees six (6) caliper inches measured four-and-one-half (4-1/2) feet from the ground shall count twice (double) toward satisfying these requirements. Credit shall not be given where more than one-half (1/2) of the dripline area is impervious, where damaging grade changes within the dripline (of a tree) has occurred, or, where damage to the tree before or during construction occurs that threatens the vitality of the tree.

(9) When more than ten (10) shrubs are to be planted to meet the requirements of this chapter for nonresidential properties, a mix of species shall be planted. The number of species to be planted shall vary according to the overall number of shrubs required to be planted. The minimum number of species to be planted are indicated below. The number of each species planted shall be in proportion to the total required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

<u>Required Number of Shrubs</u>	<u>Required Number of Species</u>
<u>11-20</u>	<u>2</u>
<u>21-30</u>	<u>3</u>
<u>31-40</u>	<u>4</u>
<u>41+</u>	<u>5</u>

~~(9)~~10) Turf grass should be planted in drought resistant species normally grown as permanent lawns, such as bermuda, zoysia, or buffalo, unless it receives under six (6) hours of sun, in which case St. Augustine is more appropriate. Grass areas may be sodded, plugged, sprigged or seeded.

~~(10)~~11) Winter rye shall be considered only as a temporary measure to reduce soil erosion through the winter season. It shall be completely replaced with permanent turf grass during the first planting season following the winter season. (See fiscal requirements.)

~~(11)~~12) All mulched areas shall have at least three (3) inches of shredded mulch. Gravel shall not be used as a mulch for plantings or in planting beds. Extensive unplanted stone or mulch beds shall be prohibited.

~~(12)~~13) Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this Article.

~~(13)~~14) Gravel shall not be used as a mulch or landscape feature as part of the landscape area of this Article.

~~(14)~~15) The use of architectural planters may be permitted toward the fulfillment of landscaping requirements.

~~(15)~~16) Any approved decorative hardscape or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but not to exceed twenty-five percent (25%) of the area to be landscaped. No credit shall be given for concrete or other impervious surfaces.

~~(16)~~17) Refer to sight obstruction standards (TCM).

~~(17)~~18) Landowners are encouraged to landscape and maintain the areas within the nonpaved street right-of-way abutting their land, provided however:

(A) The City or other applicable governmental jurisdiction may at any time require such landscaping to be removed and the City shall not be responsible or liable in the event any landscaping in the right-of-way must be removed or is requested to be removed by the City.

(B) Landscaping in the right-of-way shall observe the provisions pertaining to traffic and pedestrian safety in accordance with the Transportation Criteria Manual.

(C) Any underground sprinkler systems, planters or other permanent structures placed in the right-of-way shall require a license agreement with the City. When any other governmental jurisdiction is trustee of

the public right-of-way at the particular location in question, arrangements must be made with that jurisdiction.

(D) No landscaping shall be placed in an area of right-of-way where a capital improvement project has been funded for such location, unless and until such project has been completed.

(1819) All required plant materials shall be installed according to sound planting guidelines adequate to sustain vigorous and healthy growth. These may include, but not be limited to, methods used to:

(A) Protect and support tree trunks (guying, staking, trunk wrapping);

(B) Provide adequate conditions for root growth (type of soil mix, planting hole depth and diameter, pruning for proper root/crown balance, etc.);

(C) Provide for retention of moisture (mulching, berming, watering schedule, etc.); and

(D) Protect plants from equipment damage (mulching and edging for shrub beds, sleeves for tree trunks, etc.).

(1920) All landscaping shall be installed prior to issuance of a certificate of occupancy. In the case of seasonal restrictions because of severe weather or seeding, the owner may post fiscal sureties for the full cost of materials and installation of the landscaping remaining. The owner will then have thirty (30) days from the date of the season to proceed to fully complete installation.

(210) Where it is not practical for the continued growth or vigor of the trees to plant all of the replacement trees or other required trees on the site, cash in lieu to the City tree program may be used at an amount comparable to the cost of nursery stock required to replace the caliper amounts required and the cost of installation on a per unit basis, subject to the approval of the Director of Parks and Recreation or his designee.

(Ordinance CO12-19-03-14-E1 adopted 3/14/19)

ARTICLE 14.12 DEFINITIONS

Sec. 14.12.001 General Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abandonment. Abandonment occurs when a person with a right or interest in a property voluntarily gives up that right or interest, either by physically “abandoning” the property for ninety (90) days or more or by showing the intention to give up the right or interest.

Access. A way or means of approach to provide a vehicle or pedestrian a physical entrance and exit to a property.

Access aisle. An accessible pedestrian space between elements, such as parking spaces, that provides clearances appropriate for use of the elements.

Access sidewalk. A utilitarian sidewalk provided to lend access from the parking area to the building.

Accessible. Describes a site, building, facility, or portion thereof that can be approached, entered, and used by physically disabled people.

Accessible route. A continuous unobstructed path connecting all accessible elements and spaces that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

Aisle. The area within a parking lot, which allows vehicles access to parking spaces. The aisle serves as a travel way through the parking lot as well as a maneuvering area, which permits full and direct ingress and egress to parking spaces.

Alternative development review. Review of submitted applications in accordance with voluntary alternative approval process in accordance with Texas Local Government Code Section 212.0096

Amenity center. A private facility associated with a specific development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development and shall be operated by the property owners’ association.

Applicant. Any person, business, or group required to submit a site development application in accordance

herewith.

As-built. Plans and specifications appropriately marked or otherwise denoted to clearly show all changes to the work that occurred during construction.

Barrier. A device or treatment, which controls the movement, circulation, separation or direction of vehicular traffic. Such treatments include but are not limited to wheel stops, end islands, and dividers.

Bay width. A distance measured perpendicular to and from the front of a parking space, across the maneuver space, to the front of the opposite parking space.

Buffer yards. A combination of physical spaces and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Buffering. The use of a mix of landscaping, consisting primarily of shrubs and trees, but including berms, walls, or decorative fences to reduce the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements.

Buildable area. An area located within a lot, bounded by the front, side, and rear setback lines. The area may be further restricted by the placement of easements or special setbacks. Construction of the structures must be limited to this area.

Building. ~~Any structure used or intended for supporting or sheltering any use or occupancy. See structure.~~

Building height. ~~The vertical distance from the highest point on a structure to the average ground level of the grade where the walls or other structural elements intersect the ground. The vertical distance from the grade plane to the average height of the highest roof structure.~~

Building line. See Setback line.

Caliper. The American Association of Nurserymen standard for trunk measurement for nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

Cedar park tree program. ~~A program account used exclusively for the planting and maintenance of trees in public spaces.~~

Condominium. ~~A form of real property ownership with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one (1) or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners. A single-family dwelling unit with individual ownership of a dwelling unit and an individual interest in the common areas and facilities, which serve the multiunit project.~~

Corner clearance. A distance measured from the edge of pavement of an intersecting street to the edge of pavement of the first driveway.

Critical root zone (CRZ). The circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. One (1) foot of radial distance for every inch of tree DBH, with a minimum of eight feet for specimen trees. The formula changes to 1.5 feet for every inch of tree DBH when the trees reach an eighteen-inch (18") diameter or greater and/or the tree is considered a specimen.

Curb return radius. The radius defined by the arc section used in access apron design of an intersection or driveway at the curbline of the street.

Developer. The legal owner of land to be improved or his/her authorized representative.

Development services committee (DSC). Consists of representatives from the city staff charged with reviewing site development plans.

Development Services, Coordinator. The officer or duly authorized staff representative, designated by the City Manager, charged with the administration and enforcement of this Chapter.

Development Services, Director. The officer or duly authorized staff representative, designated by the City Manager, charged with the administration and enforcement of this Chapter.

Diameter-at-breast-height (DBH). Tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath

the split.

Dripline. The periphery of the area underneath a tree, which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

Driveway. A private roadway providing access for vehicles from public or private property to the adjacent public street.

Driveway opening. Includes the area of the driveway connecting the public street to the vehicular travel approaches and parking areas located within the property line.

Driveway separation. A distance measured from the edge of pavement of a driveway, along the curbline, to the edge of pavement of the next driveway.

Duplex. A building containing two single family dwelling units totally separated from each other by an unpierced common wall extending from ground to roof.

Dwelling, single-family. A dwelling unit for one (1) family that is located on a separate, privately owned lot or tract with private yards on each side of the dwelling. Single-family dwellings may also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family homes within the condominium development, which serve the same purpose as a private yard. Dwelling unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Edge of pavement (EOP). The outermost edge of the pavement. For streets with curb and gutter, the outside edge of the curb is the EOP. For streets without a curb, the edge of the asphalt pavement is the EOP. This should not be confused with the crushed rock base, which will often extend beyond the asphalt pavement.

Encroachment. Part of a structure or building, which extends into a setback area, easement or right-of-way.

Fence. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

Full review. Review of a site plan by the Development Services Committee.

Hardscape. The nonliving elements used in landscape, i.e., decorative walls, ledges, fountains, sculpture, stone paths.

Heritage tree. Any of the following:

- (1) A hardwood tree having a trunk of twenty-six (26) inches DBH or more; or
- (2) A hardwood tree or cluster or stand of hardwood trees designated by resolution of the City Council to be of historical value or of significant community benefit.

Home occupations. Occupations conducted within a dwelling. See zoning ordinance for criteria.

Joint access easement. An easement creating a legal means by which two or more property owners and/or two or more properties may utilize one joint driveway for access. This easement shall be for public use but privately maintained.

Landscaped area (planting strip). Any area of ground that can support vegetative groundcover and other landscaping plant materials. Sidewalks and other impervious surfaces are not considered landscaped areas, unless they are decorative sidewalks within a landscaped area.

Landscaping. Consists primarily of existing and introduced vegetation, as well as other related improvements to a lot including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Letter of encroachment. A letter which serves as written evidence or which verifies that a building/structure encroachment was constructed prior to the effective date of the zoning ordinance (March 24, 1975) or prior to any subsequent ordinance amendments which affect the building setback area requirements.

Light pole height. Light pole height is measured from the grade or surface on which the light pole is mounted to the bottom of the lighting fixture.

Lighting fixture. A complete lighting unit consisting of the lamp, lens, optical reflector, housing and electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

Lighting fixture, directionally shielded. A lighting fixture, which emits a light distribution where some light is

emitted at or above a horizontal plane located at the bottom of the fixture. Such fixtures may contain visors, louvers or other types of shields or lenses, which are designed to direct light onto a targeted area and to minimize stray light.

Lighting fixture, full cutoff. A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.



Lot, corner. A lot or parcel of land abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. The impervious area of a lot, including but not limited to the area covered by parking spaces, driveways, sidewalks, rocked areas, and equipment pads located thereon.

Lot depth. The average distance measured from the front lot line to the rear lot line.

Lot, developable. A lot upon which a building can be constructed. This requires that the lot have frontage on, or access to, an improved street and all utilities (such as water, sewer, and electric).

Lot, double-frontage. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot, flag. A lot having legal access to a public street and having a depth greater than its frontage. All flag lots shall be required to be at least fifty (50) feet wide at the narrowest part of the lot and no less than twenty-five (25) feet through a variance process. The maximum length of the pole of the flag lot shall not exceed one hundred ten (110) feet.

Lot, front or frontage. That portion of a tract of land which is the principal side of a property and which abuts on a public street to which it has direct access.

Lot, interior. A lot other than a corner lot.

Lot, legal. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Williamson and/or Travis County or a lot subdivided by metes and bounds description prior to December 9, 1974, and in its original configuration. In Travis County the date is September 1, 1983; in Williamson County the date is February 21, 1996; in the City of Austin the date is 1951.

Lot lines or property lines. The lines bounding a lot.

Lot size. The total area, measured on a horizontal plane, included within lot lines.

Lot, substandard. A parcel of land that does not meet all city standards.

Lot width. The distance from one side lot line to the other as measured at the front setback.

Main structure. A structure in which the principal use of the lot on which it is situated is conducted. In a residential district, a primary dwelling shall be deemed a main structure on the lot on which it is situated.

Marginal access street. Minor street which is parallel with and adjacent to arterial and collector streets and highways and which provides access to abutting properties and protection from through traffic.

Multifamily residential. A structure or grouping of structures where each structure contains three or more dwelling

units intended for human habitation.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbriar, and similar vegetation and allowing for maintenance of the trees to maintain vigorous growth.

Nonresidential development. All development except for that of single-family detached residential.

Ornamental trees. Smaller tree species, reaching a height of approximately ten to twenty-five feet (10'-25') at maturity. Such trees provide screening and accent elements.

Parking bay. That portion of a parking area containing at least one row of parking spaces, but not more than two rows and the associated maneuver space for entering and leaving the spaces.

Parking module. The clear width provided for the parking of vehicles including at least two rows of parking spaces adjacent to the aisle.

Parking space. A space in a parking area marked and reserved for the parking of all licensed motorized vehicles with four (4) or more wheels.

Patio home. A single-family dwelling on a separate lot with open space setbacks on three sides and a zero lot line on one side.

Pervious. The ability of a substance to allow for the passage of water.

Preferred plant list. A list of shade trees, ornamental trees, shrubs, vines, groundcovers, etc. they are proven to thrive in this region with fewer problems and requiring less care to remain healthy. The preferred plant list is developed by the city and is provided in [section 14.07.023](#).

Privacy fence. A fence constructed of wood, cementitious concrete siding, masonry, or similar material to provide a visual barrier. Slats used in chain link, cinder and/or cement blocks, or similar materials shall not be considered privacy fencing and shall not be used for screening.

Protected tree. Any of the following:

- (1) A hardwood tree having a trunk of sixteen (16) inches DBH or more;
- (2) A multitrunk hardwood tree having any single trunk of sixteen (16) inches DBH or more or an aggregate total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter at DBH); or
- (3) A cluster of hardwood trees within a ten (10) foot radius circle having an aggregate total DBH of forty (40) inches or more (not counting trunks less than eight (8) inches in diameter at DBH).

Prune. Cutting away unwanted or damaged parts of a tree including no more than thirty (30) percent of its viable crown.

Public easement. An area of land reserved for the use of the public by the grantor, in which to install and maintain utility lines, drainage ditches or channel, or for other city or public services; the ownership or title to the land encompassed by the easement being retained by the owner. No building or part of a building or other permanent structure may be located within the limits of the easement.

Recreational facilities. Facilities, which offer a wide variety of both casual and organized activities, for a diverse range of people within the community.

Redevelopment. Any change of use, substantial reconstruction, conversion, structural alteration, relocation, or enlargement of any structure and/or site.

Remove. Total disposition of a tree, including complete or partial severance of the trunk or limbs and the pruning or cutting away of more than thirty (30) percent of a tree's viable crown.

Right-of-way. An area of land dedicated as public property on which an irrevocable right-of-passage has been recorded for public use.

Standard development review. [Review of submitted applications in accordance with Texas Local Government Sections 212.009-212.0095 as amended.](#)

Setback. The distance between the outside wall of the main building and any lot line. The setback may exclude uncovered walks, steps/stairs, chimneys, bay windows, and roof overhangs up to 18 inches in width.

- (1) Front setback. The line extending across a lot between the side lot lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

(2) Rear setback. The line extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear setback shall in all cases be at the opposite end of the lot from the front setback.

(3) Side setback. The line between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Setback area. Area of a lot defined by and contained within the property lines and the setback lines.

Setback lines. A line parallel with the property line at a specific distance therefore defining the minimum distance from the property line that a structure may be erected.

Shade trees (canopy trees). The largest plants in the landscape and provide the overhead structure needed for shading and under which other plants live and grow. They spread and give overhead structure when they reach maturity.

Sight distance triangle. A triangular-shaped portion of land established at street intersections and dimensioned in accordance with the provisions of the TCM, in which no visual obstructions are erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the line of visibility of motorists entering or leaving the intersection.

Single-family detached dwelling. A dwelling unit designed for and occupied by one family and surrounded by open space.

Single-family development. Development of a single-family lot for residential use. This includes single-family dwelling units, patio homes, condominiums, and townhouses.

Site. Land upon which constructions, expansions, reconstructions or other improvements are to be done.

Site development plans. Detailed set of plans including but not limited to, the site plan, drainage plan, erosion and sedimentation control plan, utility schematic, grading plan, landscape and tree preservation plan. Should also contain all the information required by this chapter and on the most current site development application/checklist.

Street frontage. That portion of a property where the property line is adjacent to public right-of-way of a street or other designated travelway.

Street trees. Shade trees or ornamental trees that are planted either adjacent to or within the public right-of-way of a street for visual enhancement along the travelway and/or a shaded canopy over pedestrian ways and traffic lanes.

Street yard. The area of a lot which lies between the street right-of-way line and the actual front wall of the building extended by an imaginary line from the outer corners of the building and parallel to the street to the side property lines.

Structure. Any manmade construction either built or moved onto a site, affixed to the ground, and which is used to shelter, enclose, or support persons or moveable property. A fence requiring footings or a foundation is considered a structure. Driveways, patio slabs, walkways, and fences 6' tall or less shall not be considered as structures.

Throat depth. A distance measured from the edge of pavement of the street to the first point of conflict.

~~Townhouse~~ Townhome. A single-family attached dwelling with three (3) to no more than six (6) units, with each single unit extending from the ground to the roof and with each unit having individual outside access. A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Transportation criteria manual (TCM). Establishes rules and regulations for the design, development, construction, alteration, enlargement, repair, conversion, equipment, use, height, area and maintenance of roadways and thoroughfares within the city limits and extraterritorial jurisdiction of the city.

Transportation master plan. Documents the goals, objectives, elements and means by which transportation infrastructure and management will be addressed in the city.

Tree. Any self-supporting, woody perennial plant typically having a trunk diameter of no less than two (2) inches at maturity, measured at one (1) foot above grade, and normally grows to an overall height of no less than fifteen (15) feet in central Texas.

Tree removal. Uprooting, severing the main trunk of the tree or any act which causes or may reasonably be

expected to cause the tree to die, including, without limitation, damage inflicted on the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree. If a plan shows more than fifty percent (50%) of the dripline disturbed, the tree will be considered to be removed.

Vegetation screen. A buffer screen made up of live plant material that from two (2) years following planting, provides for a visually opaque screen.

Vicinity map. A map illustrating the location of a site within the city, not necessarily to scale.

Xeriscape. A method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, and maintenance.

Zero lot line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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